The Carleton Review of International Affairs is a student-run peer-reviewed journal which publishes outstanding work by students on international affairs in theory or in practice. It is interdisciplinary in its focus, recognizing the need for a multitude of perspectives and approaches in a globalized world. CRIA offers students an opportunity to develop professionally either through completing research writing to publication standards or by serving on its peer review board. The Co-Editors of CRIA annually conduct a call for papers and reviewers and are responsible for all aspects of the publishing process. CRIA is funded by the Carleton United Nations Society and governed by the Society's Board of Executives.

The United Nations Society is Carleton's premier international affairs forum and Canada's elite Model UN team. Its mandate is to promote understanding of global politics in the Carleton community and for its Members to excel at competitive Model UN conferences around the world. The Society is a non-partisan, non-advocacy, not-for-profit organization that is in no way affiliated with the actual United Nations.

Visit our website at www.unsociety.com /cria

THE VIEWS EXPRESSED IN THE CARLETON REVIEW OF INTERNATIONAL AFFAIRS DO NOT REFLECT THE POSITION OF THE UNITED NATIONS SOCIETY BUT THAT OF THE INDIVIDUAL AUTHORS.

Copyright © 2013 The Individual Authors. Journal Compilation Copyright © 2013 The United Nations Society. All Rights Reserved. Printed in Canada.

Cover image, "Blackwater Little Bird over Republican Palace," originally posted to www.flickr.com and uploaded to Wikimedia Commons using Flickr upload bot on 20:06, 07/02/08 (UTC) by username Tmaull. The use of this image by CRIA is in no way meant to suggest that the original user endorses CRIA, its mandate, or any of the author perspectives contained in this journal.

Carleton Review of International Affairs
c/o United Nations Society
c/o Carleton University Students Association
401 Unicentre
1125 Colonel By Drive
Ottawa, ON K1S 5B6
For more information visit: www.unsociety.com

Editorial Board

Co-Editors:
Sayan Basu-Ray, Department of Economics, Carleton University
Dashiell Dronyk, MA Candidate, Norman Paterson School of International Affairs, Carleton University
George Stairs, MA Candidate, Norman Paterson School of International Affairs, Carleton University

Layout by Andrew Monro, BA (Hons.), Carleton University

"Carleton Review of International Affairs," "CRIA," "UN Society," and "UNS Raven and Globe" logos by Chris Tomalty, Arthur Kroeger College of Public Affairs, Carleton University.

Peer Reviewers:
Karin Abma – MA, Institute of European, Russian and Eurasian Studies, Carleton University

Aaron Aitken – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Lauren Benoit – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Graham Brown – JD/MA Candidate, Faculty of Law, University of Ottawa, and Norman Paterson School of International Affairs, Carleton University

Charles Ian Denhez – MPhil Candidate, Merton College, Oxford University

Nour Fadol – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Maria Habanikova – MA, Graduate School of Public and International Affairs, University of Ottawa

Andrej Litvinjenko – JD/MA Candidate, Faculty of Law, University of Ottawa, and Norman Paterson School of International Affairs, Carleton University

Nicole Marion – PhD Candidate, Department of History, Carleton University

Rhys McGraw – MA, Institute of European, Russian and Eurasian Studies, Carleton University

Lauren Poole – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Trevor Persi – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Ayla Slessor – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Joseph Satenstein – MA Candidate, Royal Roads University

Gabriel Tremblay Giroux – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Tiffany Vinci – MA Candidate, Norman Paterson School of International Affairs, Carleton University

Carleton Review of International Affairs

Contents

Volume 2, Fall 2013

Message from the President
DR. ROSEANN O'REILLY RUNTE i

Letter from the Editors ii

Foreword
DR. DANE ROWLANDS iii

The Privatization of War and the Problem for Distinction
AVISTA HOMAYUN 1

Resource Conflict in the Democratic Republic of Congo
COLTON BRYDGES 12

Is Coca Worth Killing For? Natural Resources and Civil Conflict Intensity: The Shining Path in Peru
WILLOW PETERSEN 21

Not So Normative After All: The Securitization of Migration since 9/11 and the Erosion of Normative Power in Europe
ADAM MOSCOE 34

The European Union's Gender Quota Proposal: Evidence of Shifting Forms of Governance
TRAVIS SOUTHIN 47

War, Peace, and Progress:
Militarism and Pacifism in
Evolutionary Thought, 1898-1920

GUY MASSIE

Message from the President

Dear Readers,

I am delighted that the UN Society executive members have re-introduced the *Carleton Review of International Affairs* in both an on-line and hard copy format. This is an important initiative and reflects the quality of Carleton University students in International Affairs. This publication marks a serious academic effort combing the expertise and energies of both graduate and undergraduate students. The double-blind reviewing system is indicative of the professionalism of these students. The realization of the project is proof of their dedication and concentrated efforts.

I invite you to read and reflect on the issues raised here and to join me in congratulating the students who have served as editors and reviewers as well as those who wrote the essays. This publication is a demonstration of the strong contribution students of international affairs, political science and history can make to our understanding of the world.

Sincerely yours,

Roseann O'Reilly Runte

President
Carleton University

Letter from the Editors

In his dogma on good writing, the late, great Elmore Leonard once included the warning never to begin a book with a description of the weather. Unfortunately, it is in fact the case that the idea to bring about the slim digest you are holding in your hands (or, more likely, that stares back at you from your computer screen in PDF form) germinated on a July evening as heavy clouds lumbered across skies above the Central Experimental Farm, and were reflected in the sombre façade of Dunton Tower, so that is where we will begin. We took in this view from a tiny twenty-second story apartment on the occasion of a planning session for the 2012-13 programme of the Carleton United Nations Society, and as we shuffled through the club's old paperwork and tallied the club's old successes and failures, the name "CRIA" came up. The two of us who had not heard of it before learned that evening that the Society, together with the International Policy Forum, had founded a journal called the Carleton Review of International Affairs, and published its first volume in the fall of 2009. It featured outstanding research by Carleton students, the contribution one of whom had even garnered a respectable handful of citations. It demonstrated the drive, skill, and academic integrity of Carleton's best and brightest students of international affairs, and made it accessible to anyone who cared to look it up. In these interceding three years, however, CRIA had lain dormant and there had been no further editions of the journal.

Why, we asked, did that have to continue to be?

As we embarked on a process of new beginnings, we decided to broaden the horizons of the journal as much as we could. Just over one year later the renewal of CRIA has spanned three time zones and two continents, and has involved the dedicated efforts of young scholars from five different universities. Out of over two dozen submissions, CRIA, volume two showcases the work of six remarkable students writing in three different disciplines. It is our hope that, moving forward, future young scholars will not have to wait another four years for a similar opportunity and that CRIA will be a permanent fixture of the landscape from which Carleton receives its leading reputation in the field of international affairs.

In conclusion we would be remiss if we did not extend a number of thanks. First and foremost, to the graduate students on the CRIA peer review board who, variously, took time from their vacations, their studies, and their professional lives to pore over the papers we sent them this past summer. Second, to Dr. Roseanne O'Reilly Runte, President of Carleton University, for her words that precede this letter, and to Dr. Dane Rowlands, Director of the Norman Paterson School of International Affairs, for the forward which follows below. We must thank Dr. Rowlands a second time for the

assistance he rendered to three editorial neophytes as we cobbled together the peer review board. Thanks are also due to Dr. Jez Littlewood whose personal outreach to his students provided us with a number of exceptionally diligent and insightful reviewers. Finally, thank you to the students who answered our call for papers, both those whose work made it into the edition and those whose did not; without your willingness to learn and your courage to face the scrutiny of peer review, Carleton would still be waiting for CRIA's second volume.

Sayan Basu-Ray

Dashiell Dronyk

George Stairs

Co-Editors
Carleton Review of International Affairs

Foreword

In every academic field or discipline there is an evolutionary process by which older ideas and understandings become refined or replaced by newer ones. The main venue for this evolutionary process is in the publication of peer reviewed research that challenges or modifies the prevailing perceived wisdom. Integrated within this process, however, is the evolution of the scholars who generate these new ideas. Few ideas emerge fully formed from the forehead of researchers, as the mythical Athena did from Zeus, ready to do battle in the war of scholarship. Instead, our ideas as scholars are shaped by our interaction with other researchers at conferences and through the peer-review process that forces us to defend our arguments. The Carleton Review of International Affairs (CRIA) contributes to both of these important evolutionary processes and presents a window into the thoughts of future academics and scholars of international affairs. By publishing the work of bright undergraduate students it reminds those of us privileged enough to be in the academic community of our own origins as scholars, and of the importance of the publication process to our intellectual development. It is wonderful that CRIA provides this opportunity to students of international affairs.

This issue presents five papers on conflict and one on gender policy in the EU. All are topical and address ongoing debates in international affairs. Two deal with resources and civil conflict, a topic which sadly dominates current events in countries such as the Democratic Republic of the Congo, and which threatens many more. A third paper examines the securitization of EU migration policy, part of a trend that subordinates the traditional objectives of immigration rules to the imperative of perceived national security needs. One paper deals with the ethically thorny question of private military companies and how their emergence affects accountability in the area of security. The fifth conflict-related article uses an historical lens to examine how the discourse of ideas on war and human nature in the pre-First World War period helped structure national sentiments in a manner that facilitated conflict, an idea as relevant today as it was then. Finally, moving away from security and conflict themes, the sixth paper examines a prominent public policy challenge by analyzing the European Union's emerging policies to promote gender balance in Europe's private sector.

It would be difficult to pick up any leading journal in international affairs and not see established scholars addressing similar topics in recent years. I am particularly pleased to see these topics of immediate policy interest being addressed through various disciplinary lenses that range from psychology through history to public policy. For us at the Norman Paterson School of International Affairs (NPSIA), where we try to emphasize policy-relevant interdisciplinary research, the work of CRIA is particularly gratifying. Not only does it provide a venue for emerging scholars in international affairs, but it provides many graduate students (from NPSIA and elsewhere) with a sort of apprenticeship in the art of being peer-reviewers. The result is a high-quality undertaking that contributes to the emergence of new scholars and new insights into the evolving and complex world of international affairs.

Dr. Dane Rowlands

Director
Norman Paterson School of International Affairs
Carleton University

The Privatization of War and the Problem for Distinction

Avista Homayun

Abstract: This paper contends that the uncertain status of employees of private military security companies (PMSCs) in international humanitarian law (IHL) created an accountability gap. A brief history of PMSCs discusses the trends that led to the emergence of these companies and the war on terror as the main contributor to their multiplication. An analysis of the status of PMSC employees by using the instruments of IHL indicates that they have no "set" status. Whether they are civilians or combatants depends on the tasks they undertake and their relationship with the state. Furthermore, the analysis of the Nisoor Square shooting in Baghdad in September 2007 demonstrates that the uncertain status of PMSC employees creates an accountability gap, and breaches of IHL can go unpunished. Moreover, this paper contended that states that hire PMSCs can implement measures so that PMSC employees may be held accountable for wrongdoing.

On September 16 2007, in Baghdad's Nisoor Square, security personnel working for Blackwater USA, a North Carolina-based private military and/or security company (PMSC), were ambushed by a car bomb while escorting American diplomats. According to Blackwater and American officials, they exchanged fire with an armed group suspected of having planted the car bomb. Iraqi officials deemed it less of an exchange than an indiscriminate shooting into the crowd that killed seventeen civilians and wounded another twenty.[1] Blackwater later justified these actions by claiming its employees were only defending themselves. Frustrated Iraqi officials revoked Blackwater's license to operate in the country. This and numerous other such incidents bring to the fore legal questions about the use of PMSCs in war. These incidents also indicate that the involvement of PMSCs in conflict zones has outpaced changes in

Avista Homayun graduated from Carleton's Bachelor of Public Affairs and Policy Management program in 2013, specializing in International Studies. Avista's research interests include the causes of war and interstate rivalries, particularly the nexus between Afghanistan, Pakistan and India.

[1] Joshua Partlow and Walter Pincus, "Iraq Bans Security Contractor," *Washington Post*, (September 18, 2007), retrieved from http://www.washingtonpost.com/wpdyn/content/article/2007/09/17/AR2007091700238.html.

international humanitarian law (IHL) and regulatory measures enacted by states to respond to the presence of PMSCs in wars.[2]

This paper contends that the uncertain status of employees of PMSCs in IHL creates an accountability gap. First, this essay will briefly explore the history of PMSCs, including their rise in the post-Cold War era to their unprecedented presence in Iraq as part of the Global War on Terror (GWOT). Second, this paper will expand upon IHL and the legal principle of distinction, as well as elaborate on the uncertain status of PMSC employees in IHL by using the Nisoor Square shooting as exemplary of private contractors' unaccountability. Third, this paper will contend that states hiring PMSCs could do more to increase the accountability of these firms.

1. Private Military/Security Companies

The presence of actors who commit acts of violence, or train, organize, and equip foreign forces solely for profit in armed conflict is not a novel development. For example, between the 16th and 19th centuries, European governments commissioned privately-owned ships in the North African coast to attack foreign ships.[3] During wartime, privately owned vessels were hired to operate as warships, such as the privateers who together comprised half the English fleet opposing the Spanish Armada in 1558.[4] More contemporarily, mercenaries, both fought and trained, organized, and equipped other actors to fight in conflict zones such as the Congo, Angola, Nigeria, Biafra, and Yemen during the turbulent decolonization period of the 1960s-1970s.[5]

To use the definition provided by Singer, PMSCs are hierarchically structured, registered businesses that compete openly in the global market.[6] The most salient difference between such entities and the privateers and mercenaries of the past is the unprecedented corporatization of military and security services that were formerly only legitimately executed by states.[7] This phenomenon began in earnest in the early 1990s

---

[2] Renée de Nevers, "Private Security Companies and the Laws of War," *Security Dialogue*, vol. 40, no. 2 (April, 2009): 169-90, 170.
[3] Pat O'Malley, "The Discipline of Violence: State, Capital and the Regulation of Naval Warfare," *Sociology*, vol. 22, no. 2 (May, 1988): 253-70, 254.
[4] Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War 1585-1603* (Cambridge: Cambridge University Press, 1964), 21.
[5] Christopher Kinsey, "Problematizing the Role of Private Security Companies in Small Wars," *Small Wars and Insurgencies*, vol. 18, no. 3 (2007): 584-614, 584.
[6] Peter W. Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and its Ramifications for International Security," *International Security*, vol. 26, no. 3 (Winter, 2001-2): 186-220, 191.
[7] Sam Perlo-Freeman and Elisabeth Sköns, "The Private Military Services Industry," *SIRPI Insights on Peace and Security*, no. 1 (2008), 2.

concurrent with an expansion of the global arms industry. Whereas before this time, the arms industry was primarily concerned with providing military *goods*, the private military and/or security sector of the industry also began to provide *services*.[8]

Three factors contributed to the rise of PMSCs. The first factor is the end of the Cold War. No longer having to contend and compete with the USSR, Western powers began to reduce their defence budgets. The downsizing of armed forces resulted in a sudden influx of discharged trained military personnel —up to six million personnel that the private military and security industry could absorb.[9] At the same, the massive stockpile of weapons left over from the Cold War flooded the world market and were accessible to PMSCs as well as non-state armed groups.[10] Secondly, the post-Cold War era saw increasing demand for private military and security services by states.[11] This is partly explained by the increase of intra-state conflict during this period, together with the withdrawal of military and economic support for weaker states by the superpowers. With the ideological battle of the Cold War concluded, states were not prepared to muster the political will and resources to intervene in intra-state conflicts that did not threaten their national security directly, as exemplified by the late and half-hearted international military effort Rwanda in 1994.[12] Thus, fragile states which lacked the capacity to quell internal disorder relied heavily on the private sector for military services. Third, in the West, the end of the Cold War was regarded as the validation of the capitalist model over communism, bolstering political support for the privatization and outsourcing of government functions.[13] Free-market ideology encouraged governments to be leaner and to outsource from public to private sector forces to realize cost savings, improve on quality, and access new knowledge and technology.[14]

The case of the PMSC Executive Outcomes neatly exemplifies the confluence of these trends. Eeben Barlow, former officer in the special operations forces of South African Defence Force (SADF), founded Executive Outcomes in 1989.[15] Starting in 1993, as apartheid dissolved in South Africa, the company recruited about 2000 highly

---

[8] Deborah D. Avant, "The Privatization of Security: Lessons from Iraq," *Orbis*, vol. 50, no. 2 (Spring, 2006): 327-42, 328.
[9] Singer, 193.
[10] Ibid, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003), 54.
[11] Ruta Nimkar, "From Bosnia to Baghdad: The Case for Regulating Private Military and Security Companies," *Journal of Public and International Affairs*, vol. 20 (Spring 2009): 1-26, 6.
[12] Alan Munro, "Humanitarianism and Conflict in a post-Cold War," *International Review of the Red Cross*, no. 835, (September 30, 1999), retrieved from http://www.icrc.org/eng/resources/documents/misc/57jq2s.htm.
[13] Emanuela Chiara Gilliard, "Business Goes to War: Private Military/Security Companies and International Humanitarian Law," *International Review of the Red Cross*, vol. 88, no. 863 (September, 2006): 525-572, 526.
[14] Perlo-Freeman & Sköns, 4.
[15] Singer, 2003, 102.

trained combat veterans who had been laid off from the SADF.[16] Most of these individuals were previously enlisted in the 32nd Battalion, the Parachute Brigade, the Reconnaissance Commandoes, and the Koevoet—a covert operations unit that had been tasked with undermining the governments of Angola and Namibia, as well as the anti-apartheid movement.[17] As the end of the Cold War saw the withdrawal of Cuban, Soviet, American and South African participation in the Angolan Civil War, Luanda hired Executive Outcomes in 1992 to fight against the National Union for the Total Independence of Angola (UNITA). In May 1995, the company provided its services to Sierra Leone's government against the Revolutionary United Front. The company provided equipment, training to troops, and participated in combat against the rebel group.[18]

The GWOT provided the opportunity for PMSCs to proliferate.[19] As suggested by its name, this conflict has truly been global in scope, notwithstanding prolonged American occupations in Afghanistan and Iraq. Faced with shortfalls in terms of resources, technology, and manpower at the onset of the GWOT, many Western powers turned to the private sector.[20] In the US, for example, due to cuts to logistic and support personnel, "DOD [the Department of Defense] lost in-house capability and was forced to rely even further on contractor support."[21] According to the US Congressional Budget Office, between 2003 and 2007, the US government agencies allotted $85 billion to private contractors, and DOD alone spent $54 billion on contractors in Iraq.[22] Since the start of both wars to 2011, contractors have cost the US $206 billion.[23]

---

[16] Herbert M. Howe, "Private Security Forces and African Stability: The Case of Executive Outcomes," *Journal of Modern African Studies*, vol. 36, no. 2 (June, 1998): 307-331, 307.
[17] Ibid, 310.
[18] Rita Abrahamsen and Michael Williams, "Security Sector Reform: Bringing the Private In," *Conflict, Security & Development*, vol. 6, no. 1 (2006): 1-23, 9.
[19] Alexandre Faite, "Involvement of Private Contractors in Armed Conflict: Implications under International Humanitarian Law," *Defence Studies*, vol. 4, no. 2 (Summer, 2004): 166-83, 167.
[20] Fabian Mathieu and Nick Dearden, *Corporate Mercenaries: The Threat of Private Military and Security Companies*, War on Want, (November, 2006) retrieved from http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf.
[21] Maurie Schwartz and Joyprada Swain, Congressional Research Service, *Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis*, (Washington, DC: May 13, 2011), retrieved from http://www.fas.org/sgp/crs/natsec/R40764.pdf.
[22] Congressional Budget Office, *Contractors' Support of US Operations in Iraq*, (Washington, DC: August, 2008), retrieved from http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/96xx/doc9688/08-12-iraqcontractors.pdf, 1.
[23] *New York Times*, "Runaway Spending on War Contractors," Editorial, September 18, 2011, http://www.nytimes.com/2011/09/18/opinion/sunday/runaway-spending-on-war-contractors.html.

In combat zones like Iraq and Afghanistan, private companies provide administrative and logistical support, and protect diplomats, officials, military assets.[24] They also staff checkpoints, train and advise armed security forces, collect and maintain intelligence, and some even participate in combat operations.[25] Increasingly, employees of PMSCs have been carrying out tasks close to the heart of conflict, "which often puts them in direct contact with persons protected by international humanitarian law."[26] The number of private contractors involved in security and/or military-related activities has increased even as the number of troops in Iraq and Afghanistan has decreased. According to reports by the US Deputy Assistant Secretary of Defense, DOD employed a total of 21 695 private security contractors in January of 2013, up from 14 825 in August, 2008.[27]

2. PMSCs and the Problem of Distinction

The common but misleading assumption about PMSCs is that they do not have a status under IHL, and by extension, neither do their personnel.[28] PMSCs, as legal persons, do not have status under IHL, but this fact does not provide them or their employees a carte blanche. In effect, PMSC personnel are bound by IHL, like all individuals, "in relation to a conflict—whether or not they are acting on behalf of a government."[29] Company personnel do have status, but it is not "set" or permanent. Their status shifts according to their activities in war zones, thereby blurring the distinction between combatant and civilian.[30] Whether they are combatants or civilians under IHL requires an analysis of their relationship with the state as well as the nature of their activities.[31] The following subsections will describe IHL and the principle of distinction, and where and how PMSC employees fit in based on whom

---

[24] José L. Gomez del Prado, "Impact on Human Rights of Private Military and Security Companies' Activities," Global Research, October 11, 2008, retrieved from http://www.globalresearch.ca/impact-on-human-rights-of-private-military-and-security-companies-activities/10523.
[25] Faite, 167.
[26] Gilliard, 527.
[27] Department of Defense, Office of the Deputy Assistant Secretary of Defense, *Contractor Support of US Operations in the USCENTCOM Area of Responsibility to Include Iraq and Afghanistan*, (Washington, DC: January, 2013), retrieved from http://www.acq.osd.mil/log/PS/CENTCOM_reports.html; Ibid, *Contracting in Iraq and Afghanistan and Private Security Contracts in Iraq and Afghanistan*, (Washington, DC: July 22, 2008) retrieved from ibid.
[28] Gilliard, 530.
[29] International Committee of the Red Cross, *The Montreux Document: On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict*, (Geneva: 2009) 37.
[30] Kristine A. Huskey, "Accountability for Private Military and Security Contractors in the International Legal Regime," *Criminal Justice Ethics*, vol. 31, no. 3 (November, 2012): 193-212, 202.
[31] Faite, 174.

they work for and their activities. The last subsection will demonstrate how the blurring of lines between combatant and civilian produces an accountability gap.

2.1. International Humanitarian Law and the Principle of Distinction

International law governs the relations between states. International humanitarian law is the part of international law that aims to mitigate the effects of armed conflicts for humanitarian reasons, and spells out the rights and responsibilities of those in the middle of armed conflict. IHL protects those who are not party or no longer party to hostilities: the sick and wounded, prisoners of war, and civilians.[32] At the core of this body of law are the Geneva Conventions. The First Geneva Convention provides for the humane treatment of the sick and wounded in armed forced, no longer partaking in battle, regardless of the side for which they were fighting. The Third Geneva Convention provides provisions on the treatment of prisoners of war. The Geneva Conventions prior to1949 did not protect civilians. This was remedied due to the unprecedentedly high civilian death toll in the Second World War, and the Fourth Geneva Convention is specifically concerned with civilians during time of war, their status, and their treatment.

At the heart of the law of armed conflict, then, is the principle of the distinction between combatants and civilians, which is intended to protect the latter as much as possible. Moreover, IHL ascertains who can fight (and kill) in armed conflict without the fear of prosecution, how combatants should conduct themselves and what rights they have as prisoners of war.[33] Articles 48, 51, and 52 of the 1977 Additional Protocol I requires parties to the conflict to distinguish between combatants and civilians, and explicitly prohibit attacks on civilians and civilian objects in the event of an international armed conflict. Furthermore, Part IV of the Additional Protocol II, which relates explicitly to victims of non-international armed conflicts, protects civilians, civilian objects and infrastructure from attack.[34]

2.2. PMSC Personnel as Civilians

There is a general agreement that the employees of private firms are civilians and that they receive the protections afforded to civilians by the Geneva Conventions.[35] Civilians are protected from attack as long as they do not directly participate in hostilities. According to Article 51(3) of the Additional Protocol I, if civilians do participate in hostilities, they are unprivileged belligerents, and they become legitimate

---

[32] ICRC, "War and International Humanitarian Law," (October 29, 2010), retrieved from http://www.icrc.org/eng/war-and-law/overview-war-and-law.htm.
[33] De Nevers, 170.
[34] ICRC, *Protocols Additional to the Geneva Conventions of 12 August 1949* (Geneva, 1977), 319-20.
[35] De Nevers, 175.

targets.[36] The actions of unprivileged belligerents are punishable as criminal acts.[37] Additional Article 13 of Protocol II also protects civilians in non-international armed conflict as long as they do not directly participate in hostilities.[38] Furthermore, as defined in the Third Geneva Convention Article 4A(4), civilians accompanying armed forces (CAFs) are not members of armed forces, and they must carry an identity card making this distinction.[39] As per Article 4A(4), unlike civilians, CAFs can be given POW status, as long as they have not participated in direct hostilities.[40] If they are judged to have done so, CAFs are not offered the POW rights, although they get minimum standards as per the Fourth Geneva Convention, Article 4(1).[41]

The question, then, becomes what constitutes direct part in hostilities. The answer is unclear. Direct part in hostilities is generally understood as acts which, by nature or purpose, are intended to harm the enemy or the enemy objects.[42] But the Geneva Conventions and the Additional Protocols do not elaborate or provide a definition or criteria.[43] As such, it is instrumental to ask two questions: what are the PMSC employees doing, and who employs them? For example, private contractors serving food, doing repair work, delivering resources, or administering warehouses would not be deemed as direct participants in hostilities. Armed private security guards are also considered civilians, as carrying arms per se does not implicate them in direct hostilities. Yet, if these private contractors are working for DOD instead of US Department of State, the same activities—repair work, administering warehouses or guarding military generals—can be deemed as a supporting the military effort of one of the parties. Arguably, it is the case that, "private contractors involved in transportation of weapons and other military commodities, intelligence, strategic planning or procurement of arms, may lose the protection afforded to civilians," under IHL and be considered unprivileged belligerents.[44]

2.3. PMSC Personnel as Combatants

Conversely, as per Article 43(2) of Additional Protocol I, combatants can legitimately take part in hostilities. In other words, combatants have the right to kill in

---

[36] ICRC, *Protocols Additional to the Geneva Conventions*, 265.
[37] Ibid, "Civilian 'Direct Participation in Hostilities': Overview," (October 29, 2010), retrieved from http://www.icrc.org/eng/war-and- law/contemporary-challenges-for-ihl/participationhostilities/overview-direct-participation.htm.
[38] Ibid, *Protocols Additional to the Geneva Conventions of 12 August 1949*, 319.
[39] Ibid, "War and International Humanitarian Law."
[40] Faite, 174.
[41] Gilliard, 531.
[42] Jean-Marie Henckaerts and Louise Doswald-Beck, *Rules*, vol. 1 of *Customer International Law* (Cambridge: Cambridge University Press, 2006), 22.
[43] ICRC, "Civilian 'Direct Participation in Hostilities': Overview."
[44] Faite, 173.

combat (within limits), without being considered to have committed murder. Combatants are also legitimate targets in hostilities until they are *hors de combat*. According to Protocol I, Article 41(2), combatants are *hors de combat* when they are in the power of the adversary, have surrendered, or are sick or wounded. [45] Under IHL, combatant status also carries with it responsibilities with regards to conduct in war. The distinction further allows soldiers taken prisoner during conflict to be considered prisoners of war rather than criminals, as long as they have respected IHL. According to the Article 50(1) of the Additional Protocol I, PMSCs would be considered combatants if they could be considered members of the armed forces of a state or members of other militias or volunteer corps that belong to the state.

To be a member of an armed force, on the other hand, requires more than just being hired by national security institutions. For example, it requires being subject to military discipline and justice and to the military chain of command and control.[46] The logic of employing PMSCs (who then employ their personnel, or who subcontract to other PMSCs) is to reduce the costs and liability for the state.[47] Therefore, states are not likely to incorporate PMSC employees into their armed forces—at least not to such an extent as to qualify them as, "members thereof for the purposes of status determination under international humanitarian law."[48] In addition, many of the PMSCs operating in Iraq and Afghanistan were hired by other (non-military) state institutions, such as the US Department of State and the UK Department of International Development.[49] International non-governmental organizations and corporations also hire private contractors for security of their personnel and their assets.[50]

Under IHL, militias and volunteer groups, if they function independently but fight alongside the state, are also combatants. It is possible that private contractors similarly fight alongside the state that hired them, while functioning independently.[51] But, crucially, PMSC employees do not belong to any party in the conflict—as per Article 4A(1) of the Third Geneva Convention—because they do not have any allegiance to states that hire them. If they partake in combat, it is for profit. Furthermore, it is unclear whether PMSCs are unlikely to meet all the criteria, spelled

---

[45] ICRC, *Protocols Additional to the Geneva Conventions of 12 August 1949*,259- 260.
[46] Michael N. Schmitt, "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees," *Chicago Journal of International Law*, vol. 5, no. 2 (Winter, 2005): 511-46, 539.
[47] Avant, 332.
[48] Gillard, 533.
[49] Mathieu and Dearden, 8.
[50] Nimkar, 7.
[51] Daniel P. Ridlon, "Contractors or Illegal Combatants? The Status of Armed Contractors in Iraq," *The Air Force Law Review*, vol. 62 (January, 2008): 201-253, 221.

out in Article 4A(2), for combatants in militias and volunteer groups.[52] First, this article requires militia or volunteer group to be commanded by a person responsible for their subordinates. PMSCs may operate under a clear chain of command, and be structured like military organization, as Ridlon argues.[53] But even so, such organizations tend to be hardly as hierarchical as militia forces or armed forces of states, and hierarchies differ from company to company.

The second criterion in Article 4A(2) of the Third Geneva Convention necessitates an insignia or uniform to indicate that one is fighting on behalf of a party. PMSC employees do not always wear uniforms, although some are purported to wear attire that makes them look "tough."[54] In Iraq, where there was almost a daily exchange of fire between PMSC employees and insurgents during the height of the conflict, PMSC staff were known to circulate in unidentified (no plates, no insignia) cars.[55] Moreover, the local populations do not always distinguish between the private and state actors; for them, a foreign private security guard in civilian clothing would still be associated with the occupying forces. The *Montreux Document* addresses this and guides states (namely, states that hire PMSCs; states in which PMSCs are incorporated; and states in which PMSCs operate) to ensure that PMSCs are identifiable.[56]

Third, Article 4A(2) of the Third Geneva Convention requires that militias or volunteer groups carry arms openly. PMSC employees usually fulfill this requirement, (especially when they are charged with protecting people or things) usually handling sophisticated weaponry.[57] By the time American troops had left Iraq, the US mission in Baghdad was projected to become the largest American diplomatic operation, and as such it was to be protected by a, "private army consisting of as many as 5000 security contractors who will carry assault weapons and fly armed helicopters."[58]

The fourth criterion in Article 4A(2) of the Third Geneva Convention requires the abidance of IHL by the group as a whole, if not necessarily by individuals. Multiple individuals working for PMSCs hired by Coalition forces in the GWOT have been implicated in violations of law of armed conflict, such as the case of six employees from CACI International Inc. and Titan, who tortured detainees, and possibly prisoners of

---

[52] De Nevers, 175.
[53] Ridlon, 225.
[54] Schmitt, 530.
[55] Gomez del Prado.
[56] ICRC, *The Montreux Document: On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict*, (Geneva, 2009).
[57] Ridlon, 217.
[58] Tom Bowman, "No US troops, but an army of contractors in Iraq," National Public Radio (December 27, 2011), retrieved from http://www.npr.org/2011/12/27/144198497/no-u-s-troops-but-an-army-of-contractors-in-iraq.

war, in Abu Ghraib.[59] Schmitt notes that, overall, companies, "have not engaged in systematic violations that would suggest a disregard for the law."[60] Given the provisions of Article 4A(2), only a small minority of PMSCs employed by a state participating in an interstate conflict could be considered combatants.[61] In sum, when a violation happens, the determination of legal status is as crucial as it is challenging: the status of PMSC employees is determined on a case-by-case basis, depending on what personnel do and for whom.

2.4. Accountability Gap: The Shooting in Nisoor Square

The assessment of the status of PMSC employees above indicates that at times what they have to do according to the law is unclear. But what they are not supposed to do, like shooting indiscriminately into the crowd, is clear. The beginning of this paper described an episode in which Blackwater employees, in the Nisoor Square of Baghdad, came under enemy fire and, in defense, shot indiscriminately into the crowd. This tactic is sometimes known as, "clearing by fire."[62] These Blackwater employees can be said to have taken part in direct hostilities illegally, regardless of whether they were defending themselves against the alleged militants.[63] The Blackwater employees would have become unprivileged belligerents and could have been legitimately targeted by the enemy, depending on the activity they were involved in at the moment. Protecting and escorting legitimate military targets such as high-ranking personnel would have made the Blackwater guards legitimate targets. But in this case, they were protecting diplomats from the US Department of State who retain immunity from attack and therefore had the right to self-defence.[64] This example illustrates that the status of PMSC employees is ambiguous and not easily determinable due to their complex relationship with the state and their activities. While it is debatable whether they

---

[59] Julian Borger, "US military in torture scandal," *The Guardian* (April 30, 2004), retrieved from http://www.guardian.co.uk/media/2004/apr/30/television.internationalnews. The striking similarity between techniques used on Abu Ghraib prisoners and the techniques outlined in the Torture Memo, it is not a stretch to argue that those being held at the prison were considered "enemy combatant" – an otherwise vague classification employed by the Bush Administration for those suspected to be affiliated with the Taliban or al-Qaeda. "Enemy combatant" mixes lawful and unlawful combatants, so that individuals can be held, but without protection from the Geneva Conventions. See William Haynes, "Enemy Combatants," Council on Foreign Relations (December 12, 2012) retrieved from http://www.cfr.org/international-law/enemy-combatants/p5312; Human Rights Watch, "The Road to Abu Ghraib," (June 9, 2004), retrieved from http://www.hrw.org/node/12123/section/2.

[60] Schmitt, 531.

[61] Gillard, 536.

[62] Partlow and Pincus.

[63] It must be noted that the conflict in Iraq, at the time this Blackwater took place, was of a non-international nature, over which the Common Article 3 of the Geneva Conventions and Protocol II preside. The principle of distinction is, however, customary international humanitarian law, applicable to international *and* non-international nature armed conflict. See Henckaerts and Doswald-Beck, 3-8.

[64] De Nevers, 180.

retained their civilian protection in this situation, even as individuals private contractors are subject to IHL. Shooting indiscriminately into a crowd, in which enemy combatants and innocent civilians were indistinguishable, amounts to a war crime: As de Nevers puts it, "the fact that the opponent is hiding among the civilian population does not lessen the legal requirement to avoid civilian casualties as far as possible."[65]

In principle, PMSC personnel may be prosecuted by the courts of the states wherein the crime happened; the states from which the victims or the violators belong; or in home state of the PMSC. In practice, however, there have been few, if any, cases of PMSC employees being prosecuted.[66] The Nisoor Square episode brings to the fore the accountability gap. After the incident, it was revealed that fourteen of the seventeen dead were indeed civilians (the youngest victim was nine years old).[67] Iraq, the host country, could only revoke Blackwater's license to operate within its borders. The contractors who fired at the crowd were not to be tried for their crimes in Iraqi court due to Coalition Provisional Authority Order 17.[68] Order 17 was imposed unilaterally on Iraq in 2004 and explicitly gave PMSC employees immunity from Iraqi law and freedom from prosecution by Iraqi courts.[69] Even though the Iraqi authorities later revoked Order 17, they did not attempt to have the contractors extradited.[70] Less than a week later, Blackwater was back in Iraq.

At the home-state level, in this case the US, many alternatives are available, but they too have gaps due to the uncertain status of private contractors. The Uniform Code of Military Justice (UCMJ), for example, applies to all members of the armed forces of the US. It has jurisdiction over CAFs as well. This is significant as in 2010, armed contractors in Iraq made up approximately sixteen to twenty-two percent of the Department of Defense's total armed force in Iraq.[71] Notably, these contractors were still considered civilians, as they were not incorporated into the armed forces, as is required by Article 50(1) of the Additional Protocol I. Therefore, the CAF status did apply to the contractors. Still, because jurisdiction over PMSCs is not spelled out, the

---

[65] Ibid, 182.
[66] Marcus Hedahl, "Unaccountable: The Current State of Private Military and Security Companies," *Criminal Justice Ethics*, vol. 31, no. 3 (November, 2012) 175-92, 182.
[67] Jeremy Scahill, "Blackwater's Youngest Victim," *The Nation*, (January 28, 2010) retrieved from http://www.thenation.com/article/blackwaters-youngest-victim.
[68] Jeremy Scott-Joynt, "Iraqi security in private hands," BBC News, (June 28, 2004) retrieved from http://news.bbc.co.uk/2/hi/business/3842561.stm.
[69] Craig S. Jordan, "Who Will Guard the Guards? The Accountability of Private Military Contractors in Areas of Armed Conflict," *New England Journal on Criminal and Civil Confinement*, vol. 25 (Winter, 2009): 584-614,
[70] Hendahl, 187.
[71] Maurie Schwartz, Congressional Research Service, *The Department of Defense's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress* (Washington, DC: June 22, 2010), 16.

US Congress has been unwilling to use UCMJ for civilians, calling it unconstitutional.[72] Another crucial piece of legislation is the Military Extrajudicial Jurisdiction Act, (MEJA). It was amended in 2004 after two private contractors (with civilian status, though employed by DOD) tortured detainees and walked free. MEJA now covers all those employed by the American military, including contractors, though it has not yet been used for PMSC employees.[73] In the case of the Blackwater employees in Nisoor Square in 2007, MEJA does not apply because they were hired by the State Department. Further legislation such as the Special Maritime and Territorial Jurisdiction Statute (SMTJ) and the War Crimes Act and Anti-Torture Statute also leave a gap because they strictly apply to US nationals, whereas PMSCs have been increasingly hiring employees from third party states, such as the use of locals of Iraq or Afghanistan.[74]

At the international level, all states must search and extradite by universal jurisdiction any individual suspected of having committed "grave breaches" of the Geneva Conventions (*jus cogens*), and for the states that ratified them, breaches of the Protocol I and Protocol II.[75] Such actions against individuals have been rare. Another international recourse to prosecute individuals for war crimes is the International Criminal Court, but neither the US nor Iraq are party to its establishing document, the Rome Statute.

3. Measures by Hiring States toward Contractor Accountability

This paper has thus far focused on the problem of the ambiguous status of PMSC employees and the problems this ambiguity poses for accountability. Further discussion on accountability will be limited to measures hiring states can take to hold PMSCs accountable. After all, states are primarily responsible for placing PMSC employees in armed conflict and for assigning them quasi-military tasks, in which private contractors can be easily drawn into combat, thereby blurring the distinction between civilians and combatants. International efforts to hold PMSCs accountable, like giving non-state actors combatant status (not just private contractors, but also those who fall into the unlawful combatant category) will not happen in the foreseeable future. While international efforts to place limits states and PMSCs may be thwarted by states, as with the case of the *Montreux Document* and the UN Draft Convention on Private Military and Security Companies, state-level initiatives could be more forceful and timely.

---

[72] Jordan, 319.
[73] Ibid, 320.
[74] Schwartz, 9-10.
[75] Gillard, 542.

The state-centric approach to increasing accountability is also endorsed by the *Montreux Document* which reiterates the obligations of states that hire PMSCs (contracting states), states in which PMSCs operate (territorial states), and states in which the PMSCs are incorporated (home states) in IHL and international human rights law.[76] The *Montreux Document* makes two important contributions. First, it provides detailed guidelines to such states, though these practices are not legally binding. Second, the *Montreux Document* brings to light the lacuna in IHL with regards to the state obligations when hiring a contractor.[77] Under IHL, contracting states are not allowed to delegate activities specifically assigned to states, "such as exercising the power of the responsible officer over prisoner-of-war camps or places of internment of civilians in accordance with the Geneva Conventions."[78] All other obligations pertaining to contracting states in Part I of the document are aimed at, "preventing, suppressing, investigating, and prosecuting violations of international humanitarian law and human rights law, and providing remedies."[79]

Notwithstanding the political and economic obstacles to implementing these measures states that hire PMSCs can make the most impact. The measures hiring states take can be divided in three temporal categories: the contracting phase, the in-the-field phase, and the post-conduct phase.[80] During the first phase, the hiring state, being the "primary enabler and gatekeeper," determines the activities that are privatized, and limits giving those tasks to private contractors that might compromise their civilian protections.[81] States also decide who can be hired by a screening system that should take into account past allegations of misconduct. Companies are not immune from criticism or reputational damage. By separating those PMSCs whose employees have been implicated in wrongdoing, states will encourage the companies to be stricter in terms respecting international law.

In the field, having outsourced certain state functions does not absolve hiring states of the obligations they hold under IHL.[82] In effect, a failure by the PMSC to fulfill the obligations of the state under IHL still makes hiring states responsible. States should educate and disseminate knowledge of IHL to the contractors that carry out tasks on their behalf.[83] It is crucial for states to ensure that the PMSCs they hire respect IHL, either by including it in the contractual obligations for employees or in rules of

---

[76] ICRC, *The Montreux Document*, 10.
[77] Huskey, 205.
[78] ICRC, *The Montreux Document*, 2.
[79] Huskey, 205.
[80] Ibid, 212.
[81] Ibid, 195.
[82] Gillard, 549.
[83] Ibid, 551.

engagement.[84] In the post-conduct phase, there is the potential to eliminate the obstacles to the assignment of responsibility for those who have inflicted harm, for example, through such means as explicitly giving UCMJ jurisdiction over contractors.

4. Conclusion

To conclude, this paper contends that the uncertain status of employees of PMSCs in international humanitarian law (IHL) creates an accountability gap. The end of the Cold War and the ensuing defence budget cuts created a supply of discharged professional military. The demand for military and security services from private actors grew and outsourcing and privatization of some state functions became the trend in advanced countries. At the same time, fragile states were relying heavily on PMSCs to support them. The uncertain legal status of private contractors demonstrates that their activities in war zones blur the civilian/combatant distinction. In such situations, status of private contractors depends on case-by-case analyses, ex post facto, of the tasks they undertake and their relationship with the state. The example of Nisoor Square shooting in Baghdad in September 2007 indicates that the uncertain status of PMSC employees creates an accountability gap so that breaches of IHL go unpunished. Furthermore, because contracting states are responsible for delegating tasks to PMSCs and for placing private civilian personnel in war zones, they are in the best equipped to ensure that PMSCs personnel respect the law. This difference highlights the need to consider who are civilians, and who does the fighting in the context of twenty-first century warfare. Insurgents in Iraq and Afghanistan did not face off with coalition forces on the front, wearing uniforms. If the use of labels like "enemy combatants" is to be avoided, the re-conceptualization of "civilian" and "combatant" is also warranted.

Bibliography

Abrahamsen, Rita and Michael Williams. "Security Sector Reform: Bringing the Private In." *Conflict, Security & Development*, vol. 6, no. 1 (2006): 1-23.

Andrews, Kenneth R.. *Elizabethan Privateering: English privateering during the Spanish War 1585-1603*. Cambridge: Cambridge University Press, 1964.

Avant, Deborah D.. "The privatization of security: Lessons from Iraq." *Orbis*, vol. 50, no. 2 (Spring, 2006): 327-42.

[84] Ibid, 553.

Borger, Julian. "US military in torture scandal." *The Guardian,* April 30, 2004. Retrieved from http://www.guardian.co.uk/media/2004/apr/30/television.internationalnews.

Bowman, Tom. "No US troops, but an army of contractors in Iraq." National Public Radio, December 27, 2011. Retrieved from http://www.npr.org/2011/12/27/144198497/no-u-s-troops-but-an-army-of-contractors-in-iraq.

Congressional Budget Office. *Contractors' Support of US Operations in Iraq*. Washington, DC: August, 2008. Retrieved from http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/96xx/doc9688/08-12-iraqcontractors.pdf.

De Nevers, Renée. "Private Security Companies and the Laws of War." *Security Dialogue*, vol. 40, no. 2 (April, 2009): 169-90.

United States Department of Defence. Office of the Deputy Assistant Secretary of Defense. *Contractor Support of US Operations in the USCENTCOM Area of Responsibility to Include Iraq and Afghanistan*. Washington, DC: January, 2013. Retrieved from http://www.acq.osd.mil/log/PS/CENTCOM_reports.html.

—*Contracting in Iraq and Afghanistan and Private Security Contracts in Iraq and Afghanistan*. Washington, DC: July 22, 2008. Retrieved from http://www.acq.osd.mil/log/PS/CENTCOM_reports.html.

Dunne, J. Paul and Eamon Surry. "Arms Production." *Stockholm International Peace Research Institute Yearbook 2006: Armaments, Disarmament and International Security* (2006): 387-418.

Faite, Alexandre. "Involvement of Private Contractors in Armed Conflict: Implications under International Humanitarian Law." *Defence Studies*, vol. 4, no. 2 (Summer, 2004): 166-183.

Gilliard, Emanuela Chiara. "Business Goes to War: Private Military/Security Companies and International Humanitarian Law." *International Review of the Red Cross*, vol. 88, no. 863 (September, 2006): 525-572.

Gomez del Prado, José L.. "Privatizing Security and War." *Forced Migration Review*, vol. 37 (March, 2011): 18-20.

—"The Privatization of War: Mercenaries, Private Military and Security Companies." Global Research, November 8, 2010. Retrieved from http://www.globalresearch.ca/the-privatization-of-war-mercenaries-private-military-and-security-companies-pmsc/21826.

—"Impact on Human Rights of Private Military and Security Companies' Activities." Global Research, October 11, 2008. Retrieved from http://www.globalresearch.ca/impact-on-human-rights-of- private-military-and-security-companies-activities/10523.

Hallo de Wolf, Antenor. "Modern Condottieri in Iraq: Privatizing War from the Perspective of International and Human Rights Law." *Indiana Journal of Global Legal Studies*, vol. 13, no. 2 (July, 2006): 315-56.

Haynes, William. "Enemy Combatants." Council on Foreign relations, December 12, 2012. Retrieved from http://www.cfr.org/international-law/enemy-combatants/p5312.

Hedahl, Marcus. "Unaccountable: The Current State Private of Military and Security Companies." *Criminal Justice Ethics*, vol. 31, no. 3 (November, 2012): 175-92.

Henckaerts, Jean-Marie and Louise Doswald-Beck. *Rules*. Vol. 1of *Customary International Law*. Cambridge: Cambridge University Press, 2006.

Howe, Herbert M. "Private Security Forces and African Stability: The Case of Executive Outcomes." *Journal of Modern African Studies*, vol. 36, no. 2 (June, 1998): 307-331.

Human Rights Watch. "The Road to Abu Ghraib." June 9, 2004. Retrieved from http://www.hrw.org/node/12123/section/2.

Huskey, Kristine A.. "Accountability for Private Military and Security Contractors in the International Legal Regime." *Criminal Justice Ethics*, vol. 31, no. 3 (November, 2012): 193-212.

International Committee of the Red Cross. "Civilian 'Direct Participation in Hostilities': Overview." October 29, 2010. Retrieved from http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/participation-hostilities/overview-direct-participation.htm.

—"War and International Humanitarian Law." October 29, 2010. Retrieved from http://www.icrc.org/eng/war-and-law/overview-war-and-law.htm.

—*The Montreux Document: On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict*. Geneva, 2009.

—*Protocols Additional to the Geneva Conventions of 12 August 1949*. Geneva, 1977.

Jordan, Craig S. "Who Will Guard the Guards? The Accountability of Private Military Contractors in Areas of Armed Conflict." *New England Journal on Criminal and Civil Confinement*, vol. 35 (Winter, 2009): 309- 336.

Kinsey, Christopher. "Problematizing the Role of Private Security Companies in Small Wars." *Small Wars and Insurgencies*, vol. 18, no. 4 (2007): 584-614.

Mathieu, Fabian and Nick Dearden. *Corporate Mercenaries: The Threat of Private Military and Security Companies*. War on Want, November 2006. Retrieved from http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf.

Munro, Alan. "Humanitarianism and Conflict in a post-Cold War World." *International Review of the Red Cross*, no. 835 (September 30, 1999). Retrieved from http://www.icrc.org/eng/resources/documents/misc/57jq2s.htm.

New York Times. "Runaway Spending on War Contractors. Editorial, September 18, 2011. Retrieved from http://www.nytimes.com/2011/09/18/opinion/sunday/runaway-spending-on-war-contractors.html.

Nimkar, Ruta. "From Bosnia to Baghdad: The Case for Regulating Private Military and Security Companies." *Journal of Public and International Affairs*, vol. 20 (Spring, 2009): 1-26.

O'Malley, Pat. "The Discipline of Violence: State, Capital and the Regulation of Naval Warfare." *Sociology*, vol. 22, no. 2 (May, 1988): 253-270.

Partlow, Joshua and Walter Pincus. "Iraq Bans Security Contractor." *Washington Post*, September 18, 2007. Retrieved from http://www.washingtonpost.com/wp-dyn/content/article/2007/09/17/AR2007091700238.html.

Perlo-Freeman, Sam and Elisabeth Sköns. "The Private Military Services Industry." *SIPRI Insights on Peace and Security*, no. 1 (2008).

Private Security Monitor. "Statistics on the Private Security Industry." Sié Chéou-Kang Center, 2013. Retrieved from http://psm.du.edu/articles_reports_statistics/data_and_statistics.html.

Rayment, Sean. "New Iraq 'trophy videos' raise fears on civilian deaths." *The Telegraph*, December 4, 2005. Retrieved from http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1504675/New-Iraq-trophy-videos-raise-fears-on-civilian-deaths.html.

Ridlon, Daniel P. "Contractors or Illegal Combatants? The Status of Armed Contractors in Iraq." *The Air Force Law Review*, vol. 62 (January, 2008): 201-253.

Scahill, Jeremy. "Blackwater's Youngest Victim." *The Nation*, January 28, 2010. Retrieved from http://www.thenation.com/article/blackwaters-youngest-victim.

Schmitt, Michael N. "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees." *Chicago Journal of International Law*, vol. 5, no 2 (Winter, 2005): 511-46.

Schwartz, Maurie. *The Department of Defense's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress.* Washington, DC: Congressional Research Service, June 22, 2010. Retrieved from http://fpc.state.gov/documents/organization/145576.pdf

Schwartz, Maurie and Joyprada Swain. Congressional Research Service. *Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis.* Washington, DC: May 13, 2011. Retrieved from http://www.fas.org/sgp/crs/natsec/R40764.pdf.

Scott-Joynt, Jeremy. "Iraqi security in private hands." BBC News, June 28, 2004. Retrieved from http://news.bbc.co.uk/2/hi/business/3842561.stm.

Singer, Peter W. *Corporate Warriors: The Rise of the Privatized Military Industry.* Ithaca, NY: Cornell University Press, 2003.

—"Corporate Warriors: The Rise of the Privatized Military Industry and its Ramifications for International Security." *International Security*, vol. 26, no. 3 (Winter, 2001-2): 186-220.

Resource Conflict in the Democratic Republic of Congo

Colton Brydges

Abstract: The theory that a country's dependence on primary resource exports can harm its development prospects has received extensive attention within academic circles. This phenomenon appears to be quite evident in a country like the Democratic Republic of Congo (DRC), which possesses considerable mineral wealth but has been plagued by conflict, corruption and poor governance. This article applies the various streams of resource curse theory to the post-independence history of the DRC to gauge its applicability to the country's experience. It is clear that resource curse theory offers a compelling explanation for the development trajectory of the DRC, which has been impeded by internal conflict, corruption and ongoing foreign-backed instability.

The history of the Democratic Republic of Congo (DRC) is fraught with persistent war, foreign intervention and poor governance, resulting in the current state of affairs, with the DRC amongst the most impoverished countries in the world. The country's failure to achieve a semblance of development is often traced to its disastrous post-independence leadership, typified by corruption and ultimately state failure.[1] The persistent waves of conflict involving foreign actors have also been a common explanation for the current state of development in the DRC.[2] While these are undoubtedly key factors, the notion of the "resource curse" which emerged in academic literature during the 1990s offers an intriguing explanation for the DRC's development experience. This theory holds that an abundance of natural resources can actually inhibit growth through dependency on exports, leading to poor governance and civil

Colton Brydges is entering his fourth year of the Bachelor Public Affairs and Policy Management program at Carleton University, specializing in Development Studies and minoring in Economics. He has been heavily involved with various African student associations at Carleton University, co-founding Carleton Congolese Students for Action. This coming year (2013-14), he will serve as VP Policy and Academic for the Arthur Kroeger College Educational Students' Society, as well as continuing his work as a facilitator with Carleton's Peer Assisted Study Sessions (PASS) program. His academic interests include African affairs and development policy, specifically in the field of education.

[1] William Reno, "From State Collapse to 'Absolutism' to State Failure," *Third World Quarterly*, vol. 27, no. 1 (2006): 43-56, retrieved from http://www.jstor.org/stable/4017658, 43.
[2] Tatiana Carayannis, "The Complex Wars of the Congo: Towards a New Analytic Approach," *Journal of Asian and African Studies*, vol. 38, no. 2-3 (June, 2003): 232-550, retrieved from http://jas.sagepub.com/content/38/2-3/232, 232.

war. In accordance with this theory, the resource-rich Congolese economy has stagnated and even experienced lengthy periods of negative growth. This paper will apply the various streams of resource curse theory to the post-independence history of the DRC; the key periods being the Congo Crisis, the Mobutu era, the Congo Wars of the 1990s and the ongoing instability in the Eastern DRC. This analysis indicates that resource curse theory is a powerful lens for examining the country's negative development experience. In keeping with the resource curse theory, the failure of development in the DRC can be linked to corrupt and ineffective governance and civil conflict, both of which are heavily correlated with the abundance of natural resources in the country.

Resource Curse Theory

Despite being a relatively new idea, the resource curse has attracted considerable attention in academic spheres. A number of theorists, such as Auty, Sachs and Warner, and Collier and Hoeffler, have sought to explain the poor growth of many resource rich countries, and how resource endowments are related to the development process. Repeated studies have indicated that high resource intensity is correlated with slow growth.[3] One element of the theory pertains to the incidence of Dutch disease, whereby rapid inflows of revenue from resource exports, be it oil or minerals, causes the domestic currency to appreciate in value. The appreciation of the currency brought about by revenues in one sector is detrimental to the performance of other export industries, specifically the fledgling manufacturing sector.[4] Mineral extraction often leads to the formation of industrial enclaves, with the revenues remaining concentrated in that region or, more often, flowing overseas to service investments in foreign capital.[5] Many theorists have noted the perverse economic structures that can result from excessive reliance on natural resource exports, such as inadequate diversification and susceptibility to price shocks.[6]

The most publicized findings of resource curse theorists pertain to the role of resource abundance and civil conflict. This area of theory is especially relevant to the Democratic Republic of the Congo in recent decades. Collier and Hoeffler have written extensively about the role of resource abundance in exacerbating the risk of conflict,

---

[3] Jeffrey D. Sachs and Andrew M. Warner, "Natural Resources and Development: The Curse of Natural Resources," *European Economic Review*, vol. 45 (2001): 827-838, retrieved from http://www.earth.columbia.edu/sitefiles/file/about/director/pubs/EuroEconReview2001.pdf, 828.
[4] Richard M. Auty, *Sustaining Development in Mineral Economies: The Resource Curse Thesis*, (London: Routledge, 1993), 3.
[5] Ibid.
[6] Ibid, 241.

and their findings have generated considerable debate.[7] In a World Bank publication, Ross identifies four main pathways by which dependence on natural resources can influence the incidence of conflict: through the economy, the government, the people in the resource-rich region, and the effects on rebel movements.[8] Taken together, the effects of natural resource dependence can increase the risk of conflict, as well as increasing the duration of a conflict based on grievances.[9]

Not surprisingly, civil war has a hugely detrimental effect on a country's present and future development. The conflict itself causes the destruction of infrastructure and the deaths of productive workers, disrupts social order, diverts public expenditure away from productive activities, and leads to a breakdown in the rule of law that can discourage domestic saving and foreign investment. Even after the restoration of peace, capital flight and a reduction in investor confidence can generate lasting negative effects that hamper growth.[10] If resource dependence does indeed increase the risk of civil war, then resources can also have a detrimental effect on the development process in such a country.

The Current Development Outlook

The resource curse theory is one means by which to explain the current conditions prevailing in the DRC. Given that the theory mostly pertains to economic variables, we can consider the DRC's development experience using conventional economic indicators. The DRC exhibits some of the worst indicators of development in the world: according to the World Bank, the gross domestic product (GDP) of the DRC in 2011 was $15.65 billion (USD).[11] For a population of over 67 million people, that equates to a GDP per capita of about $230.[12]

---

[7] Paul Collier and Anke Hoeffler, "Resource Rents, Governance and Conflict," *The Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005): 625-33, retrieved from http://www.jstor.org/stable/30045133; ibid, "Greed and Grievance in Civil War," *Oxford Economic Papers*, vol. 56, no. 3 (2004): 563-95, retrieved from http://oep.oxfordjournals.org/content/56/4/563.full.pdf+html; ibid, "On the Incidence of Civil War in Africa," *The Journal of Conflict Resolution*, vol. 46, no. 1 (February, 2001): 13-28, retrieved from http://www.jstor.org/stable/3176237.

[8] Michael Ross, "The Natural Resource Curse: How Wealth Can Make You Poor," in Ian Bannon and Paul Collier (eds.), *Natural Resources and Violent Conflict: Options and Actions,* (Washington, DC: The World Bank, 2003), 19.

[9] Ibid, 35.

[10] Collier, "On the economic consequences of civil war," *Oxford Economic Papers*, vol. 51, no.1 (1999): 168-183, retrieved from http://oep.oxfordjournals.org/content/51/1/168.full.pdf+html, 169-170.

[11] Unless otherwise noted, all successive figures will refer to USD.

[12] World Bank, "World Development Indicators – Democratic Republic of Congo," retrieved from http://data.worldbank.org/country/congo-dem-rep.

Furthermore, nearly ninety percent of the population is estimated to be living on $1.25 a day or less.[13] The picture is even starker when one considers the gross national income (GNI) per capita, which includes foreign earnings by Congolese citizens but excludes the activity of non-residents operating in the country. This is a useful indicator to consider, given that foreign firms dominate most of the DRC's export sectors. In 2011, the GNI per capita of the DRC was a mere $190. This is the same level that prevailed in 1993; in the intervening years, during which the Congo experienced two major wars, the GNI per capita dropped by nearly half.[14]

The Human Development Index (HDI) of United Nations Development Programme (UNDP) tells a similar tale: the DRC has the second lowest HDI in the world, surpassing only Niger.[15] The economy of the DRC is highly dependent on exports; in 2011, exports constituted just over 68.3 percent of its GDP.[16] Despite the wealth of natural resources with which the country is endowed, there is a clear failure to harness these resources to improve the living standards of its people.

When we consider the actors responsible for this failure, we must look primarily to the government of the DRC. While resource extraction is often facilitated by foreign companies, the government has played a key role in undermining the country's economic potential. In particular, the mining sector has been characterized by the use of inept state-owned enterprises. One notable state enterprise is Gécamines, which primarily exports copper from the south of the country and was nationalized by President Joseph Mobutu in 1966.[17] Another is La Societe Minière de Bakwanga, the state-owned diamond company better known as MIBA.[18] By using state-owned enterprises, the government had the potential to utilize the country's extensive mineral resources to better govern and develop the country; however, the aforementioned development indicators make it quite evident that this has not occurred.

---

[13] Ibid, "Poverty headcount ratio at $1.25 a day (PPP) (% of population)," retrieved from http://data.worldbank.org/indicator/SI.POV.DDAY/countries/CD?display=graph.
[14] Ibid, "World Development Indicators – Democratic Republic of Congo," retrieved from http://data.worldbank.org/country/congo-dem-rep.
[15] UNDP, "Human Development Indicators – Democratic Republic of Congo," retrieved from http://hdrstats.undp.org/en/countries/profiles/COD.html.
[16] World Bank, "World Development Indicators - Exports of goods and services (% of GDP)," retrieved from http://data.worldbank.org/indicator/NE.EXP.GNFS.ZS/countries/CD-ZF-XM?display=graph.
[17] Wolf Radmann, "The Nationalization of Zaire's Copper: From Union Minière to Gecamines," *Africa Today*, vol. 25, no. 4 (1978): 25-47, retrieved from http://www.jstor.org/stable/4185805, 37.
[18] Martin Meredith, *The Fate of Africa*, (New York: Public Affairs, 2005), 103.

The Congo Crisis (1960-1966) – Secessionist Conflict

A journey through the history of the Democratic Republic of the Congo can help to illustrate several key arguments associated with the resource curse theory. The Congo Crisis, which occurred immediately after independence, can be linked to the importance of resources in the Congolese economy. The main catalyst in this disastrous and complex episode was the attempted secession of the copper-rich Katanga province. On July 11th, 1960, with the support of the Belgian government and international mining firms, Governor Moise Tshombe declared the independence of Katanga. Belgian troops were immediately deployed to support this move. The involvement of the Belgians was unquestionably linked to their desire to protect Western investments and mineral interests in the province from appropriation by Prime Minister Patrice Lumumba's central government.

The secession set off a vicious struggle for power in the newly independent country, with Lumumba seeking UN support to hold the country intact. Frustrated by the UN and faced with another secession attempt in the diamond-rich province of South Kasai, Lumumba requested the assistance of the Soviet Union, a decision which would ultimately lead to his assassination at the hands of Western-backed rebels.[19] The secession attempts by the DRC's mineral-rich states, which attracted foreign interference, plunged the country into years of instability before Joseph Mobutu was able to establish his American-backed dictatorship.[20]

Ross notes that one way in which resource abundance can contribute to civil war is by increasing the risk of secessionist conflict, one example being Katanga. He discusses that, in all the cases of resource-motivated secessions he identified, the secessionist states had a distinct identity from the rest of the country. Furthermore, these regions felt that they would be better off managing their valuable resources on their own, away from meddling or appropriation by the central government.[21] Katanga, with its vast copper fields and a distinct linguistic and cultural identity, fits this model quite well. Of course, foreign intervention due to mineral interests was also a key factor that plunged the country into civil war and its subsequent struggles.

The Congo Crisis must be seen as a major blow to economic development efforts in the country. In addition to creating a poor investment climate due to civil unrest, the

---

[19] Ibid, 105.
[20] Lawrence Kaplan, "The United States, Belgium, and the Congo Crisis of 1960," *The Review of Politics*, vol. 29, no. 2, (April, 1967): 239-56, retrieved from http://www.jstor.org/stable/1405667, 239.
[21] Ross, 28.

Crisis robbed the Congo of a leader in Patrice Lumumba who spurned tribalism, replacing him with a US backed "strongman" in the form of Mobutu.[22]

The Mobutu Era (1966-1997) – Corruption and Poor Governance

The prevailing state of underdevelopment in the Democratic Republic of Congo can largely be traced to the disastrous rule of Joseph Mobutu. In addition to suffering from massive corruption and embezzlement of state funds, the economy contracted substantially under Mobutu. Amongst other things, the "Zairianization" process undertaken in the 1970's saw many key industries placed under direct state control, as Mobutu sought to put his mark on the renamed country of Zaire. [23] Not surprisingly, this contributed to the utter collapse of the mining sector. Production fell dramatically as foreign assets were appropriated and foreign skilled workers expelled. The large scale corruption led to a large shift towards the informal economy, and extremely high mineral export taxes increased the incidence of smuggling. Further secession attempts in Katanga were suppressed, and the once powerful state mining company Gécamines, which operated primarily in the copper-belt, was all but gutted. [24]

Under Mobutu, the DRC acquired a massive external debt of approximately $14 billion. At the same time, the country suffered from severe capital flight, as approximately $18 billion in savings were moved abroad.[25] Basic economic theory tells us that savings levels are a key determinant of a country's standard of living, as they are used to fund investment in capital that sustains growth.[26] Economic mismanagement and corruption were important causes of these destructive economic trends. Estimates indicate that from 1965 to 1990, per capita income declined at an average annual rate of 2.2 percent.[27] Capital flight and economic mismanagement clearly stunted the growth of the Congolese economy and the country's overall development.

---

[22] Carole Collins, "Fatally Flawed Mediation: Cordier and the Congo Crisis of 1960," *Africa Today*, vol. 39, no. 2 (Third Quarter, 1992): 5-22, retrieved from http://www.jstor.org/stable/4186830, 20.
[23] Ola Olsson and Heather Congdon Fors, "Congo: The Prize of Predation," *Journal of Peace Research*, vol. 41, no. 3 (2004): 321-36, retrieved from http://jpr.sagepub.com.proxy.library.carleton.ca/content/41/3/321.full.pdf+html, 323.
[24] Ingrid Samset, "Conflict of Interests or Interests in Conflict? Diamonds and War in the DRC," *Review of African Political Economy*, vol. 29, no. 93/4 (2002): 463-80, retrieved from http://www.tandfonline.com.proxy.library.carleton.ca/doi/pdf/10.1080/03056240208704633, 468.
[25] Leone Ndikumana and James Boyce, "Congo's Odious Debt: External Borrowing and Capital Flight in Zaire," *Development and Change*, vol. 29 (1998): 195-217, retrieved from http://www.peri.umass.edu/fileadmin/pdf/ADP/Congo_s_Odious_Debts_01.pdf, 195.
[26] Gregory Mankiw and William Scarth, *Macroeconomics*, (New York: Worth Publishers, 2011), 258.
[27] Ndikumana and Boyce, 195.

Ross notes a number of reasons why resource dependence, as seen in Congo, can have a detrimental effect upon government performance. In the economic sphere, dependence on resources with volatile market prices can strain government institutions as revenue meant to sustain the budget fluctuates considerably.[28] Furthermore, the large volume of revenues can be easily appropriated where institutional capacity is low, leading to endemic corruption.[29] The main minerals that the DRC depends upon are gold, casserite, coltan, diamonds and tungsten.[30]

Ross also notes how resource dependence can shape the government's relations with its citizenry. A government that relies on resources for its revenue, rather than taxation, will have little interest in accountability. Such a government is beholden to the industries which provide it with revenue, not to taxpayers, and so less attention will be paid to good governance and earning the approval of the population. Furthermore, the revenues can often be used to quell any dissent through patronage networks and a large, bloated military. A vicious cycle of poor governance, economic stagnation and deepening resource dependence can derail the development pathway of the country.[31] This can be seen in DRC as the stagnant growth under Mobutu's regime necessitated increasing repression to maintain a grip on power.[32]

Mineral exports typically produce large rents, and government elites have the option to invest these in the development of the economy or to appropriate them. As a one-party state under Mobutu, patronage politics funded by resource wealth were an important means of maintaining control. Ultimately, resource rents used for patronage are lost to the development of the country, as they usually end up leaving the country in the form of capital outflow.[33]

The poor growth, high debt and corruption of the Congolese economy forced Mobutu to accept the end of one-party rule in 1990. By this time, the Congolese economy was in shambles and poverty and destitution were widespread.[34] Looking back upon the Mobutu era, we can see that the failure of development can largely be

---

[28] Ross, 24; Collins, "Restructuring the Congo," *Review of African Political Economy*, vol. 24, no. 74 (December, 1997): 591-600, retrieved from http://www.jstor.org/stable/4006451, 593.
[29] Ross, 24.
[30] Ruben de Koning, "Conflict Minerals in the Democratic Republic of the Congo: Aligning Trade and Security Interventions," Stockholm International Peace Research Institute, Policy Paper no. 27 (June, 2011), retrieved from http://www.ciaonet.org.proxy.library.carleton.ca/wps/sipri/0023793/f_0023793_19438.pdf, 5.
[31] Ibid, 25-26.
[32] Olsson and Congdon Fors, 323-324.
[33] Collier and Hoeffler, "Resource Rents, Governance and Conflict," 630-1.
[34] Olsson and Congon Fors, 324.

linked to the ineptitude of the government, exacerbated by the desire to appropriate the country's resource wealth.

The Congo Wars (1994 – 2003): Resource Conflict

Moving into the 1990s, the manifestation of the resource curse in Congo's development process has less to do with poor governance and more to do with conflict. The economic performance under Mobutu was disastrous, but the wars of the 1990s and 2000s were to plunge the country into an even worse state of underdevelopment. Much of the literature regarding the resource curse discusses the role of resource dependence and conflict. In their seminal piece, Collier and Hoeffler describe a strong correlation between reliance on primary commodity exports and the incidence of civil war.[35]

In another article, Collier and Hoeffler apply their findings to civil war in Africa. Again, they conclude that so-called grievances, such as inequality and repression, are less useful for predicting the incidence of civil war than the level of dependence on primary commodity exports.[36] The abundance of resources can provide incentives for rebel groups to initiate conflict in order to profit from said resource. The general consensus amongst resource curse theorists is that legitimate grievances can lead to the initiation of a predatory conflict, but resource abundance increases the intensity and length of a conflict.[37]

Following the 1994 genocide in Rwanda and the ensuing exodus of ethnic Hutu refugees into the DRC, conflict arose between Rwanda and the Mobutu regime. Seeking to oust Mobutu from power, the Rwandans threw their support behind Laurent Kabila, a previously minor rebel leader. On May 17th, 1997 the combined forces of the Rwandans and Kabila's rebels succeeded in taking control of the capital of Kinshasa.[38] This brief war was largely rooted in legitimate grievances, and does not have many elements of a resource conflict; that said, it is interesting to note the contrast between this brief skirmish and the lengthy Second Congo War that would ensue. Arguably, resource curse theory can provide some insight into the differing patterns of conflict.

Like his predecessor, Kabila's presidency was marked by corruption, patronage and a lack of accountability.[39]. In an ethnically charged society, Kabila faced considerable criticism for his administration's reliance on Rwanda and the Banyamulenge, an ethnic Tutsi group in the Eastern Congo that faced discrimination under the Mobutu regime.

---

[35] Collier and Hoeffler, "Greed and Grievance in Civil War," 574.
[36] Ibid, "On the Incidence of Civil War in Africa," 17.
[37] Olsson and Congdon Fors, 322.
[38] Ibid, 325.
[39] Ibid, 324.

In response, Kabila chose to expel Tutsi army leaders, earning the ire of Rwanda. In August, 1998 Rwanda, along with their allies in Uganda, invaded the DRC. Zimbabwe, Angola, Namibia, Chad and Sudan all intervened on behalf of Kabila.[40]

While the earlier war concluded with a fairly straightforward rebel and Rwandan victory, in the Second Congo War the Rwandans and Ugandans faced an impasse, and saw the opportunity to conduct commercial activities. Their armies began by looting existing stockpiles of resources, and upon depleting these, moved to extract and export other resources.[41] There is considerable data to support these accusations. Gold exports from Uganda over this period greatly exceeded domestic production, and Uganda exported coltan, a mineral that does not exist in the country. Both Rwanda and Uganda began exporting diamonds, a mineral that does not exist in either country.[42]

The contrasting strategies between the first and second wars pertain to the pattern of exploitation. In the first war, a leader was installed that was amenable to working with Rwanda and Uganda, meaning that no prolonged presence was required in order to extract Congolese wealth. When Kabila turned against his Ugandan and Rwandan backers in 1998, the strategy of looting and extracting resources required a continuous military presence in the region.[43] While the expulsion of ethnic Tutsi leaders presented a legitimate political grievance for the invasions, the potential for resource extraction was a key motivating factor behind the invasion of foreign powers and their continued presence in the region.[44]

The "Post-War" Era (2003 – Present): Persistent Instability

Even though foreign troops left Congolese soil at the culmination of the war, the instability and abundance of resources in the Eastern Congo has contributed to the continued presence of a whole host of rebel groups.[45] The ongoing rebellion in the Eastern DRC serves to illustrate another aspect of the resource curse theory, specifically how the nature of a country's resources can affect the pattern of conflict.

As previously noted, the Eastern Congo contains deposits of gold, casserite, coltan, diamonds and tungsten. The security situation means that there is little regulation of the mining sector, and most of the mining is conducted using low-tech artisanal

[40] Ibid.
[41] Ibid, 326.
[42] Ibid.
[43] Ibid, 333.
[44] Ibid.
[45] Ibid, 327.

methods.[46] There is a multiplicity of actors operating in the Eastern Congo, including the local Mai-Mai militias, foreign backed rebel groups, and the Congolese Army. The underpaid and underfunded army is unable to exert any strong control over the region; this is partly due to the fact that some of the units are former rebels who have only been superficially integrated and remain intent on extracting wealth.[47]

Any rebel group needs a regular source of income to finance their insurrection, and as Ross notes, in the post-Cold War era this can be more difficult to secure. Resource appropriation or extraction has become a valuable source of financing for rebels.[48] That said, the mere presence of a resource does not necessarily lead to a rebellion; some form of grievance would be needed to initiate conflict.[49] Furthermore, not all resources are able to sustain a predatory conflict.[50]

One of the abundant and valuable minerals in the war-torn Eastern Congo is diamonds. A study by Olsson has demonstrated that there is a negative relationship between GDP growth and diamonds as a share of GDP, the only real outlier being Botswana.[51] In 2002, the Congo produced 18.2 million carats of diamonds, but only 50 percent of these were gem quality.[52] The key distinction to be made is between point source Kimberlite diamonds and lootable alluvial diamonds. Kimberlite mining is a capital intensive process, and these diamonds are usually concentrated in marginal areas like deserts and the arctic. In contrast, alluvial diamonds are found through simple panning, a labour-intensive yet inexpensive method. These alluvial diamonds are typically more dispersed and found in riverbeds.[53]

Studies have indicated that that Kimberlite diamonds are less likely to sustain a predatory conflict. These are point source minerals, concentrated in a single location; this means the government is able to exert stronger control over the resource, making it a less viable target for rebels.[54] Furthermore, these Kimberlite diamonds require a capital intensive process for extraction that is beyond the capabilities of rebel groups. In contrast, alluvial diamonds are much more likely to generate a conflict situation.

---

[46] De Koning, 5.
[47] Ibid, 2-3.
[48] Ross, 30.
[49] Collier and Hoeffler, "Greed and Grievance in Civil War," 588.
[50] Päivi Lujala, Nils Petter Gleditsch and Elisabeth Gilmore, "A Diamond Curse? Civil War and a Lootable Resource," *Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005): 538-62, http://jcr.sagepub.com.proxy.library.carleton.ca/content/49/4/538.full.pdf+html, 559.
[51] Olsson, "Diamonds are a Rebel's Best Friend," *World Economy*, vol. 29, no. 8 (August, 2006): 989-1155, retrieved from http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9701.2006.00809.x/pdf, 1137.
[52] Ibid, 1136.
[53] Ibid, 1144.
[54] Lujala, Gleditsch and Gilmore, 559.

They do not require specialized equipment for extraction, making them more accessible to rebels. Furthermore, alluvial diamonds are dispersed over a large area, making it difficult for the government to exert effective control over the resource.[55]

Given that the central government exerts minimal control over the region, it is not surprising that the alluvial diamond deposits in the Eastern Congo have generated conditions in which predatory conflict has continued to thrive. The thousands of low-paid artisanal miners in the Congo, many of whom are child labourers, face dangerous workplace hazards and are often subject to control and exploitation at the hands of rebels that operate in the area.[56] Rebel control is widespread; one report indicated that in 2009 approximately two hundred mines in the Kivu provinces were under the direct control of rebel groups.[57]

Similar problems are faced by Congolese coltan miners. Coltan is a common term for columbite-tantalite, a mineral used in many complex electronic goods. Central Africa possesses a considerable share of the global market for this mineral. As with diamonds, coltan mining in the DRC is artisanal, but employs approximately 16 percent of the population, with the majority of whom earning about $1 to $5 per day. [58] Rebels, and in some cases the Congolese army, profit from coltan mining through "taxation," checkpoints, protection fees, and extraction. One major rebel group, the former-Interahamwe Forces démocratiques de libération du Rwanda (FDLR) is said to make millions from exploiting coltan miners.[59]

Illicit smuggling also robs the Congo of much of the revenue from resource extraction. Rwanda is a major destination for smuggled minerals; data indicates that the illicit trade in coltan comes at an annual cost of between $12 and $28 million in foregone income, equivalent to a fifth of the world market value for coltan.[60] Fraudulent exports of all diamonds during the 1990s were worth approximately twice as much as the value of official exports, equal to about six times the Congolese state budget.[61] With a capable government, one can only imagine how beneficial this

---

[55] Ibid, 543.
[56] Olsson, 1145.
[57] De Koning, 16.
[58] Raimund Bleischwitz, Monika Dittrich, and Chiara Pierdicca, "Coltan from Central Africa, international trade and implications for any certification," *Resources Policy*, vol. 37, no. 1 (March, 2012): 19-29, retrieved from http://ac.els-cdn.com.proxy.library.carleton.ca/S0301420711000833/1-s2.0-S0301420711000833-main.pdf?_tid=b9b41058-9c9e-11e2-ac8f-00000aab0f27&acdnat=1365021810_1ccc3a502aa1ac9a145b9fd200e26c1c, 20.
[59] Ibid, 22-23.
[60] Ibid, 25.
[61] Samset, 469.

foregone revenue could have been for the Congolese economy. Given these negative trends, in addition to the persistent conflict in the region, it is clear that the development of the Eastern Congo is being impeded by factors related to resource abundance.

Conclusions

The history of the DRC is rife with examples of conflict and poor governance, and to this day poverty and instability remains widespread, particularly in the resource rich Eastern Congo. Looking at its current state of development, it is evident that the country has not benefited to the fullest extent from its resource wealth. Despite vast deposits of valuable minerals, most of the population lives in a state of dire poverty. The resource curse theory provides a compelling explanation for this paradox.

Mining interests helped spark the secession of Katanga during the Congo Crisis, plunging the country into instability and eventually a dictatorship. Under Mobutu, mineral revenues were appropriated by government officials; corruption and state failure coupled with poor policies led to collapses in the sector's productive output. This left the population in a state of poverty. Moving into the 1990s, the attractive mineral wealth in the Eastern Congo provided an incentive for foreign governments, rebel groups and other non-state actors to carry out insurgencies to extract wealth from the region. This instability has led to widespread death and destruction, further undermining the development of the country.

Throughout the Congo's post-independence history, the failure of the government to fully harness the potential of its mineral wealth to better the lives of its citizens is quite apparent. Just as Mobutu used state-owned enterprises to enrich himself and his supporters, President Joseph Kabila's administration continues to drain the coffers of the diamond company MIBA, while granting mining concessions to wartime allies Zimbabwe, as well as Israel and other foreign backers.[62] Wealth continues to flow out the country, eluding its desperately poor citizens.

The resource curse theory provides interesting insights into this turbulent history. As we have seen, the theories connecting resource dependence with secessionist conflict, corrupt governance and foreign invasions are quite applicable to the experience of the DRC, and this continues to manifest itself with the ongoing predatory conflict in the Eastern Congo. It remains to be seen whether prescribed solutions such as mineral certification schemes can contribute to an end to conflict and, ultimately, a sustained drive towards development.

---

[62] Ibid, 473-474.

Throughout its post-independence history, the people of the Democratic Republic of Congo have been made to suffer for the wealth of resources within their country. As a lead development actor, the government's dependence on resource exports has introduced negative trends that hampered growth and development, as the country has succumbed to corruption, stagnation and war. The resource curse thesis offers a compelling explanation for why resource wealth has been detrimental to the development process in the DRC. Moving forward, it is essential that the country find a way to curtail their dependence on resource exports and prevent corruption from draining the coffers of the state. The security situation and persistent international meddling will make this process extremely difficult, but it is essential that the country's mineral wealth be harnessed to enable economic diversification and, ultimately, a more prosperous future for the Congolese people.

Bibliography

Auty, Richard M. *Sustaining Development in Mineral Economies: The Resource Curse Thesis*. London: Routledge, 1993.

Bannon, Ian and Collier, Paul (eds.). *Natural Resources and Violent Conflict: Options and Actions*. Washington, DC: The World Bank, 2003.

Bleischwitz, Raimund; Dittrich, Monika and Pierdicca, Chiara. "Coltan from Central Africa, international trade and implications for any certification." *Resources Policy*, vol. 37, no. 1 (March, 2012): 19-29.

Collier, Paul. "On the economic consequences of civil war." *Oxford Economic Papers*, vol. 51, no. 1 (1999): 168- 183.

Collier, Paul and Anke Hoeffler. "Resource Rents, Governance and Conflict." *The Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005): 625-633.

—"Greed and Grievance in Civil War." *Oxford Economic Papers* vol. 56, no. 4 (2004): 563-595.

—"On the Incidence of Civil War in Africa." *The Journal of Conflict Resolution*, vol. 46, no. 1 (February, 2002): 13-28.

Collins, Carole. "Restructuring the Congo." *Review of African Political Economy*, vol. 24, no. 74 (December, 1997): 591-600.

De Koning, Ruben. "Conflict Minerals in the Democratic Republic of the Congo: Aligning Trade and Security Interventions." *Stockholm International Peace Research Institute*, Policy Paper no. 27 (June, 2011): 1-42.

Kolstad, Ivar and Tina Søreide. "Corruption in natural resource management: Implications for policy makers." *Resources Policy*, vol. 34, no. 4 (December, 2009): 214-226.

Lujala, Päivi; Petter Gleditsch, Nils and Gilmore, Elisabeth. "A Diamond Curse? Civil War and a Lootable Resource." *Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005) 538-562.

Mankiw, Gregory, Ronald Kneebone, and Kenneth McKenzie. *Principles of Macroeconomics*. Toronto: Nelson, 2011.

Mankiw, Gregory and William Scarth. *Macroeconomics*. New York: Worth Publishers, 2011.

McFerson, Hazel. "Governance and Hyper-corruption in Resource-rich African Countries." *Third World Quarterly*, vol. 30, no. 8 (2009): 1529-1547.

Meredith, Martin. *The Fate of Africa*. New York: Public Affairs, 2005.

Ndikumana, Leone and James Boyce. "Congo's Odious Debt: External Borrowing and Capital Flight in Zaire." *Development and Change*, vol. 29 (1998): 195-217.

Olsson, Ola. "Diamonds are a Rebel's Best Friend." *World Economy*, vol. 29, no. 8 (2006): 1133-1150.

Olsson, Ola and Heather Congdon Fors. "Congo: The Prize of Predation." *Journal of Peace Research*, vol. 41, no. 3 (May, 2004): 321-336.

Radmann, Wolf. "The Nationalization of Zaire's Copper: From Union Minière to Gecamines." *Africa Today*, vol. 25, no. 4 (October-December, 1978): 25-47.

Ross, Michael. "What Do We Know About Natural Resources and Civil War?" *Journal of Peace Research*, vol. 41, no. 3 (May, 2004): 227-356.

Sachs, Jeffrey D. and Andrew M. Warner. "Natural Resources and Development: The Curse of Natural Resources." *European Economic Review*, vol. 45 (2001): 827-838.

Samset, Ingrid. "Conflict of Interests or Interests in Conflict? Diamonds and War in the DRC." *Review of African Political Economy*, vol. 29, no. 93-4 (2002): 463-480.

UN Development Programme. "Human Development Indicators – Democratic Republic of Congo." Retrieved from http://hdrstats.undp.org/en/countries/profiles/COD.html.

World Bank. "World Development Indicators – Democratic Republic of Congo." Retrieved from http://data.worldbank.org/country/congo-dem-rep.

—"World Development Indicators - Exports of goods and services (% of GDP)." Retrieved from http://data.worldbank.org/indicator/NE.EXP.GNFS.ZS/countries/CD-ZF-XM?display=graph.

—"Poverty headcount ratio at $1.25 a day (PPP) (% of population)." Retrieved from http://data.worldbank.org/indicator/SI.POV.DDAY/countries/CD?display=graph.

Is Coca Worth Killing For? Natural Resources and Civil Conflict Intensity: The Shining Path in Peru

Willow Petersen

Abstract: This paper focuses on the effect natural resources have on the intensity of civil conflict in the context of states developing natural resource and counterinsurgency policies. This paper conducts a comparative within-country case study to test the relationship between natural resources and civil conflict intensity. Through a comparative within-country case study, the effect of coca cultivation on the intensity of Peru's civil war is examined to test the hypothesis that natural resources cause more intense civil conflict. This hypothesis is deemed plausible, as evidence is used to test three causal mechanisms: natural resources provide insurgents with wealth, increase the "prize value" of a region, and draw more international attention and intervention. These mechanisms are confirmed for the case of Peru, and a fourth, and initially unexpected, mechanism emerges.

INTRODUCTION

There has been a recent proliferation of literature examining the relationship between natural resources and civil conflict, leading to the identification of a causal link between the two variables.[1] This paper focuses on the relatively less-studied effect natural resources have on the intensity of civil conflict. This is an important relationship to consider when developing and prescribing policies to manage natural

Willow Petersen is in her final year of the Bachelor of Public Affairs and Policy Management (Honours) program with a specialization in International Studies and a minor in Economics. During her time at Carleton, Willow has worked for the Carleton Centre for Community Innovation, completed an exchange at Koç University in Istanbul, and been involved with UNICEF Carleton and the Arthur Kroger College Educational Students' Society. Her involvement off-campus includes employment at Canada Border Services Agency and volunteer positions on Parliament Hill and at The Ottawa Hospital. Willow's research interests include international law and political economy.

[1] James D. Fearon, "Primary Commodity Exports and Civil War," *The Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005): 483-507, 483. See also Michael Ross, "How Do Natural Resources Influence Civil War? Evidence from Thirteen Cases," *International Organization*, vol. 58, no. 1 (Winter, 2004): 35-67; ibid, "What Do We Know About Natural Resources and Civil War?" *Journal of Peace Research*, vol. 41, No. 3 (May, 2004): 337-356; and Philippe Le Billon, "The Political Ecology of War: Natural Resources and Armed Conflict." *Political Geography*, vol. 20, no. 5 (June, 2001): 561-584. While studies on this topic present compelling evidence for the claims made, it is important to consider the possibility of endogeneity and/or the existence of a spurious relationship between natural resources and civil conflict.

resources and direct counterinsurgency efforts during periods of civil conflict in a way that minimizes casualties and mitigates conflict escalation. Thus, an effort to gain a better understanding of *how* natural resources impact the intensity of a civil conflict is a worthwhile endeavor. This paper conducts a comparative within-country case study to test the relationship between natural resources and civil conflict intensity. The effect of coca on the intensity of conflict during Peru's civil war is examined to test the hypothesis that natural resource wealth causes more intense civil conflict. This hypothesis is deemed plausible, as evidence is used to test three causal mechanisms: natural resources provide insurgents with wealth, increase the "prize value" of a region, and draw more international attention and intervention. While the first mechanism is deemed inconclusive, the second and third mechanisms are confirmed for the case of Peru, and a fourth, and initially unexpected, mechanism emerges. This unexpected mechanism is the effect that natural resources can have on shaping the organizational structure of insurgencies.

This research paper investigates the relationship between natural resources and civil conflict intensity by conducting a case study examining the effect of coca on the intensity of conflict in Peru's civil war between the years of 1980 and 1996.[2] Conflict in the Peruvian civil war, although widespread throughout the country, was regionally-based due to the highly decentralized nature of the insurgency, the Sendero Luminoso (Shining Path). In addition, coca cultivation, the relevant natural resource, was largely confined to a particular region, the Huallaga Valley. This study isolates for the effect of coca on civil conflict intensity in Peru by comparing conflict intensity in coca-rich and coca-poor regions where different factions of the Sendero Luminoso operated. This study finds that natural resources, particularly coca, cause more intense civil conflict, as evidenced by the finding that conflict in the coca-rich region of Huallaga was more intense than in the Ayacucho region, an area lacking this natural resource.

As noted above, recent scholarship has identified a causal link between the variables of natural resources and civil conflict. The causal mechanisms underlying this relationship have undergone widespread research and testing, with numerous studies focusing on the effect natural resources have on civil conflict onset.[3] This is certainly an essential aspect of the relationship to consider, as civil conflict prevention has been a main focus of policy makers. However, the effect of natural resources on civil conflict intensity and duration are also valid concerns when formulating policy to deal with new or ongoing civil wars. With this in mind, this paper conducts a comparative

---

[2] It is important to note that conflict in the Upper Huallaga Valley is ongoing. The implications of these contemporary insurgent operations are elaborated upon in the later discussion of policy prescriptions.
[3] See Fearon; and Macartan Humphreys, "Natural Resources, Conflict and Conflict Resolution: Uncovering Mechanisms," *Journal of Conflict Resolution*, vol. 49, no. 4 (August 2005): 508-537.

within-country case study to test the relationship between natural resources and civil conflict intensity, thus limiting the application or generalization of the results beyond the particular case under investigation. Nevertheless, insight into how natural resources, even in a specific case, impact the intensity of civil conflict is an important step toward gaining a more comprehensive understanding of this relationship.

This study is based on the following thesis: natural resources, specifically coca, cause more intense civil conflicts due to the three mechanisms outlined below. This thesis is based on existing theory that proposes natural resources cause more intense civil conflicts when the two sides engage in resource battles, resulting in more casualties.[4] As the literature on Peru's civil war outlines, conflict was more intense, in terms of combatant and civilian deaths, in the coca-intensive region of Huallaga.[5] This study aims to confirm this finding by consulting relevant evidence, and address the "how" aspect of the relationship between coca and civil conflict intensity through an examination of the following three proposed mechanisms:

First, the presence of natural resources for which a global market exists can provide funding for insurgent groups, resulting in a higher capacity to fund their efforts and launch more attacks. More weapons and financing for other operations result in more casualties and a higher level of conflict intensity. Second, control over an area rich in natural resources can intensify conflict because of the potential "prize value" of the region. Essentially, an area rich in natural resources is worth more if won, justifying higher costs in terms of human lives than an area lacking in natural resources.[6] Finally, the presence of natural resources in a region experiencing civil conflict can draw more international interest and be more likely to experience intervention by third parties, potentially causing more intense conflict. This paper investigates these proposed explanations for "how" coca affected the intensity of civil conflict in the case of Peru.

This study is bound by a number of caveats: it does not claim that natural resources are the only factor that can affect the intensity of civil conflict. Certainly, there are numerous variables to consider and the pattern of conflict intensity may vary from case to case. The context-specific nature of civil war warrants the formulation of policy prescriptions on a case-by-case basis. However, this study investigates how natural

---

[4] Ross, 39. Ross also proposes an alternative hypothesis, that when natural resources result in cooperative plunder, there are fewer casualties. A test of this hypothesis is important to note, but a test is beyond the scope of this paper.

[5] Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*, (New York: Cambridge University Press, 2007), 210.

[6] Humphreys, 509. This mechanism is adapted from Humphreys' test of the "prize value" in relation to conflict onset and duration. Humphreys does not examine this proposed mechanism as it applies to civil conflict intensity.

resources can influence civil conflict intensity by examining the case of Peru. While the findings of this study give valuable insight into the mechanisms underlying the relationship between coca and civil conflict intensity, generalizations and applications beyond the case study are limited. This paper does not claim to present a universally applicable finding to guide policy.[7] Instead, it provides a more comprehensive understanding of the effects of coca on civil conflict intensity in Peru, with the goal of guiding future large-scale empirical studies.

1. CASE SELECTION AND METHODOLOGY

Case Selection:

For the purposes of this research paper, a case study of the Peruvian civil war is conducted. Peru was chosen as the focus of this study due to the decentralized structure of the insurgency and the region-specific location of coca. The Sendero Luminoso was highly decentralized, resulting in the establishment of different factions of the insurgency throughout the country that operated largely independent of each other, linked only by the Central Committee.[8] Such a decentralized structure is conducive to this study as it allows the effects of natural resources on conflict intensity to be seen in the separate regions where different factions of the insurgency operated. This study examines the Sendero Luminoso Nacional faction of the insurgency and the Regional Committee of Alto Huallaga (CRH).[9] This decentralized insurgency structure, the regional nature of the conflict, and the region-specific location of coca make Peru an interesting case study to isolate for the effects of coca on the intensity of civil conflict. The aforementioned conditions make it possible to consider the effects of coca on the intensity of civil conflict by examining levels of violence in the coca-rich and coca-poor regions in which the Sendero Luminoso operated.

Methodology:

This study takes a primarily deductive approach to the research, looking for evidence that either confirms or refutes the proposed hypothesis and the theory from

---

[7] In fact, the findings of this study suggest that illicit natural resources, such as coca, may have a markedly different effect on conflict intensity than other natural resources. Further research is necessary to fully understand the mechanisms underlying this relationship.

[8] Lewis Taylor, *Shining Path: Guerilla War in Peru's Northern Highlands, 1980-1997*, (Liverpool: Liverpool Cambridge Press, 2006).

[9] Carlos Iván Degregori, "Origins and Logic of the Shining Path: Return to the Past," in *The Shining Path of Peru*, ed. David Scott Palmer, (New York: St. Martin's Press, 1992), 35. CRH is an abbreviation for: Comité Regional del Alto Huallaga. The Sendero Luminoso Nacional primarily worked to mobilize the population both before and during the civil conflict, operating mainly in the Ayacucho highland region. In contrast, the CRH operated in the Amazonian jungle in the Huallaga region, controlling the coca trade in this resource-rich area to fund the insurgency (José E. Gonzales, "Guerillas and Coca in the Upper Huallaga Valley," in *The Shining Path of Peru*, edited by David Scott Palmer, New York: St. Martin's Press, 1992, 107).

which the thesis was derived. This "top-down" approach tests the validity of the hypothesis, formed on the basis of relevant theory, in order to come to conclusions and generate potential policy prescriptions. While the methodology used to conduct the study is deductive in nature, any findings from results or conclusions drawn will be limited in their application beyond the specific case under investigation.

Nevertheless, the findings of this case study provide useful insight into how natural resources can affect the intensity of civil conflict and pave the way for further large-scale empirical studies. The research design employs the "most-likely" case selection method, where a single case, in which a hypothesized causal relationship is likely to be found, is examined in-depth. If the relationship being tested is found to exist, the causal relationship and underlying mechanisms are deemed "plausible," if the causal link is not present in the case, the relationship is deemed "falsified." [10]

Conceptualization and Operationalization of Variables:

The independent variable in this study is natural resources, more specifically coca cultivation, and the dependent variable is civil war intensity. Therefore, this study examines the effect that coca had on the intensity of conflict in different regions during Peru's civil war. In order to effectively analyze this relationship, a clear conceptualization and operationalization of both variables is essential.

For the purposes of this case study, the independent variable, natural resources, is conceptualized as materials or substances that occur in nature and can be used for economic gain. Natural resources are usually region-specific and cannot be easily, if it all, relocated.[11] For this analysis, natural resources will be operationalized as the cultivation of coca in the Huallaga region of Peru between the years of 1980 and 1996. Access to empirical data on cultivation and production of coca in Peru before 1996 is limited and unreliable.[12] Consequently, coca as a variable is measured largely on the basis of qualitative data and reports.

Civil war intensity, the dependent variable, is conceptualized as the severity of a civil conflict. Of course, the intensity of any civil conflict varies over time and is affected by numerous factors. This study aims to investigate only one of these factors in the specific case of Peru, coca cultivation. Civil conflict intensity is operationalized as the number of deaths, both of combatants and civilians, in a given region and time period. Thus, higher numbers of civilian and combatant deaths indicate more intense conflict, whereas lower numbers of victims indicate less intense conflict.

---

[10] Ross, 37.
[11] The Upper Huallaga Valley offered prime growing conditions for coca.
[12] See note 15.

This study draws on mainly qualitative data, such as secondary literature, to test the thesis and generate results. This is due, in part, to a lack of accessible, comprehensive, and reliable empirical data on coca cultivation and the number of casualties during the Peruvian civil war.[13] Consequently, this analysis focuses primarily on the numbers of victims killed by the Sendero Luminoso, and largely examines the number of civilian deaths. This is done for two reasons. First, civilians accounted for a large proportion of casualties in Peru's civil war, because both the insurgency and the counterinsurgency largely targeted civilians in their operations.[14] Second, data on the number of casualties, especially civilians, at the hands of the counterinsurgency is largely incomplete.[15] In light of these limitations, this paper

---

[13] Reliable and comprehensive data on the cultivation of coca in Peru is limited for the years preceding 1996, when the United Nations Office on drugs and Crime began monitoring coca production in the country and recording cultivations levels to assess international eradication efforts. See: www.unodc.org and Peter Chalk, *The Latin American Drug Trade: Scope, Dimensions, Impact and Response*, (Santa Monica, CA: RAND Corporation, 2011). The U.S. Department of State also monitored coca cultivation levels in Peru both during the War on Drugs and after the conclusion of Peru's civil war. However, I was unable to access this data for years preceding 1994. Data on counterinsurgency victims is also limited due to the fact that many of the atrocities committed by the counterinsurgency went unreported by local news agencies (see Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*, [New York: Cambridge University Press, 2007.]). Though more accurate data has emerged, from Peru's Truth and Reconciliation Commission, it has yet to be coded and analyzed, (the Commission's Final Report can be found at http://www.cverdad.org.pe/ingles).

[14] The Sendero Luminoso Nacional selected their targets based on affiliation to the Peruvian government or imperialist structures, a target group largely consisting of civilians, in addition to combatants. In turn, the counterinsurgency in Ayacucho targeted all civilians thought to be associated with the Sendero Luminoso, committing massacres of the civilian population in rural areas due to a lack of information on the insurgency (see Carlos Iván Degregori, "Origins and Logic of the Shining Path: Return to the Past," in ed. David Scott Palmer, *The Shining Path of Peru*, [New York: St. Martin's Press, 1992]: 33-44., 42). A similar situation faced civilians in the region of Huallaga. Estimates indicate that in 1987 about 95 percent of the local economy in the Huallaga Valley was based on the illegal production or trafficking of coca, with between 60 000 and 300 000 families relying on the cultivation of coca for their survival (see José E. Gonzales, "Guerillas and Coca in the Upper Huallaga Valley," in ed. Palmer: 106-125, 108). The CRH controlled the coca trade and, consequently, everyone associated with the industry. The relatively indiscriminate violence used by the CRH to maintain this control targeted anyone and everyone who challenged their power or defected from the insurgency and targets increasingly included civilians with no affiliation whatsoever to the government (see Weinstein, 240). The counterinsurgency response was also largely indiscriminate in the Huallaga region. Often guised as anti-drug missions, counterinsurgency operations in Huallaga largely targeted the civilian population as a means of reducing support for the insurgency (see Gonzales, 113). The CRH enjoyed support from the population due to the security they provided civilians from drug traffickers and their efforts to stop the counterinsurgency's advances to eradicate coca cultivation. However, they maintained this control and support through violent means. Civilians often found themselves as the target of violence for the CRH and the counterinsurgency, accounting for many of the war's casualties.

[15] Many of the massacres and other violent abuses committed by the counterinsurgency were not recorded by local newspapers and are consequently absent from many events databases (see Weinstein, 241). Accordingly, this study primarily analyzes the number of casualties, mainly noncombatants, killed by the Sendero Luminoso. It is reasonable to assume, based on the discussion above and the limited available data on the responsibility of

utilizes the available data while recognizing its incompleteness and the fact that the findings presented in this study require further empirical testing.

2. THE SHINING PATH OF PERU

Ideological Basis and Decentralized Structure:

Despite the authoritarian leadership of Abimael Guzmán, the Sendero Luminoso operated under a highly decentralized structure.[16] The insurgency successfully expanded its reach throughout Peru through the formation of regional committees organized on the basis of local resources. These regional committees were developed by a small number of rebels sent to each region from the national movement.[17] An extremely ideological insurgency, the Shining Path initially recruited new members at the local level by appealing to the masses with the promise of a better life.[18] The insurgency enforced rigorous standards of ideology and commitment to the movement before advancement in the ranks became a possibility for recruits.[19] However, due to the insurgency's decentralization and the power awarded to regional committees, certain factions of the Sendero Luminoso later moved away from the strict recruitment conditions.

The Sendero Luminoso Nacional faction of the insurgency, responsible for inciting the onset of civil war, operated within the Ayacucho region of Peru, recruiting and mobilizing insurgents both before and during the conflict. Guzmán, a university professor, spread his ideology throughout Ayacucho by having his students return to their communities and educate the masses by relaying his teachings.[20] The Sendero Luminoso based its ideology on the ideas proposed by Marx, Lenin, and Mao, and viewed itself as the "Fourth Sword of Marxism."[21] Prior to the insurgency's rise, Ayacucho's isolated highland location resulted in extreme poverty and low standards of living throughout the area, as the state failed to extend its presence and reach of service provision to the people of Ayacucho. Abandoned by the state and facing desperate conditions, the ideological teachings and education provided by the Sendero

---

counterinsurgents in killings, that the counterinsurgency was more active and deadly in the Huallaga region, due to the presence of both antidrug and counterinsurgency operations, as well as the militarized involvement of the United States.

[16] Weinstein, 84.
[17] Gabriela Tarazona-Sevillano, "The Organization of Shining Path," in ed. Palmer: 172-190, 172.
[18] Degregori, 37.
[19] Weinstein, 84.
[20] Ibid., 81.
[21] Degregori, 37.

Luminoso appealed to the population and resulted in popular support for the insurgency.[22]

The Sendero Luminoso faction in Huallaga was formed far from the highlands of Ayacucho in the Amazonian jungle. The Regional Committee of Alto Huallaga (CRH) was formed when a small number of insurgents from Ayacucho were sent to Huallaga to establish the regional committee in 1980, after which the CRH developed and behaved as a unit apart from the Sendero Luminoso Nacional.[23] The decentralized nature of the insurgency allowed the CRH to organize with minimal direction, as they were responsible for raising resources, recruiting members, building support, and deciding on military actions themselves.[24] While still a faction of the Sendero Luminoso, the CRH operated largely independently of the Sendero Luminoso Nacional in Ayacucho.

The Regional Nature of Conflict:

The regions of Ayacucho and Huallaga varied in terms of geographic location, social struggles, and natural resource wealth. During the 1970s and 1980s, Peru experienced a devastating economic collapse and saw a decline in living standards in rural areas, increased inequality as a result of land distribution, and a rise in regional inequalities.[25] These economic challenges were worsened by the debt crisis in the 1980s as the state's capacity to provide services throughout the country, especially in the highlands and jungle areas, decreased. While the consequences of these poor economic conditions varied in the Ayacucho and Huallaga regions, there is a clear correlation between rural regions with the lowest living standards and highest levels of support for the Sendero Luminoso.[26]

When the Sendero Luminoso emerged in the southern highlands of Peru, the people of the Ayacucho region lacked access to basic services provided by the state, such as medical care and clean drinking water. In addition, Peru's economic decline affected the ability of Ayacuchans aspiring to join the middle class. While secondary school enrollments increased between 1960 and 1990, employment opportunities for

---

[22] Timothy P. Wickham-Crowley, *Guerillas and Revolution in Latin America: A Comparative Study of Insurgents and Regimes Since 1956*, (Princeton: Princeton University Press, 1992), 212.
[23] Weinstein, 91.
[24] Tarazona-Sevillano, 172.
[25] Cynthia McClintock, "Why Peasants Rebel: The Case of Peru's Sendero Luminoso," *World Politics*, vol. 37, No. 1 (October, 1984): 48-84, 64.

[26] Ibid., 83.

individuals with higher levels of education stagnated.[27] These problems also extended to post-secondary education, as more secondary school graduates than ever wanted to attend university but were unable to find places in the national system and university graduates faced high levels of unemployment.[28] In Ayacucho, Guzmán and the Sendero Luminoso offered hope for a better future and a means to become involved in enacting change.

The Huallaga region of Peru lies deep in the Amazonian jungle, largely isolated due to its rugged terrain. Until the coca boom of the 1970s, the inner reaches of the valley remained accessible only by boat or dense jungle paths.[29] The coca boom transformed the valley into one of Peru's more prosperous regions.[30] However, the wealth and prosperity of coca also brought crime. While organizing and mobilizing in the Upper Huallaga Valley, the CRH found themselves in the midst of a drug war between the coca-growing peasants, Columbian drug lords, and the Peruvian military.[31] Despite the evident lawlessness, violence, and chaos plaguing the region, the CRH saw control of the Upper Huallaga Valley as a means of securing a constant flow of resources, namely coca, to finance the insurgency's growth, operations, and for personal gain.[32]

Thus, it is apparent that the CRH and the Sendero Nacional faced distinct conditions in establishing their respective factions of the Sendero Luminoso. The CRH recruited peasants with the promise of security and protection for their right to grow coca. In contrast, the Sendero Luminoso Nacional based their recruitment on ideological premises and offered little in the way of immediate economic improvement to their recruits. Despite evident differences in the Ayacucho and Huallaga regions, the Sendero Luminoso, led by Guzmán, used revolutionary violence as a means to further their cause and accomplish goals in both regions. The following section examines the relatively more intense conflict in the Huallaga region and seeks to understand how coca contributed to this intensity.

---

[27] Ibid. When the Sendero Luminoso Nacional was building support in Ayacucho, more than 80 percent of the population did not have access to drinking water and there were upwards of 17, 000 Ayacuchanos per doctor, contributing to anti-government sentiments.
[28] Tarazona-Sevillano, 171.
[29] Gonzales,105.
[30] Weinstein, 90-91. Immigrants flooded the region seeking the high returns on coca production, causing production to increase six fold between 1970 and 1980.
[31] Gonzales, 108. These actors later included the U.S. as the War on Drugs targeted coca production in Huallaga.
[32] Weinstein, 91.

3. THE EFFECT OF COCA ON CONFLICT INTENSITY IN PERU'S CIVIL WAR

While it is difficult to reach a concrete conclusion regarding the effect coca had on conflict intensity in Peru's civil war, an analysis of the available qualitative data suggests that the presence of coca contributed to more intense conflict in the case of Peru.[33] The coca-rich CRH used more deadly tactics, resulting in higher casualties, and attracted more attention from the Peruvian government, military, and international actors such as the US, who wanted to eradicate coca cultivation in the region to aid efforts in the War on Drugs. Consequently, the coca-rich Huallaga region, controlled by the CRH, experienced more intense civil conflict than the Sendero Luminoso Nacional's primary region of operation, Ayacucho.

This claim, however, is tentative and requires the support of further empirical analysis.[34] This section proceeds by presenting evidence that supports this claim that conflict in the Huallaga region was more intense than in the region of Ayacucho; a discussion of how coca contributed to more intense conflict in the Huallaga region follows, as the three propositions made to support the study's thesis, and the emergence of an unexpected mechanism, are discussed in relation to the Peruvian case; finally, the results of the study are summarized and relevant policy prescriptions are reviewed.

Qualitative Evidence on the Intensity of Conflict in the Regions of Ayacucho and Huallaga:

During the 1980s and early 1990s, Peru suffered one of the most deadly civil wars in contemporary Latin America as an estimated 70 000 people lost their lives. The Sendero Luminoso was responsible for high levels of widespread violence throughout the country, and more than half of the fatalities suffered occurred at the hands of the

---

[33] Ross, 55. This finding is in line with Ross' conclusion that the net effect of natural resources on conflict intensity in Peru's civil war was "worse." In order to effectively analyze the impact of natural resources on the intensity of Peru's civil conflict, it is important to determine whether the funds generated by the coca trade in the Upper Huallaga Valley were shared with the Sendero Luminoso Nacional or largely remained in the CRH. Due to the decentralized nature of the Sendero Luminoso and the geographic distance between the two factions, it is logical to assume that wealth from the coca trade in the Huallaga region stayed in the hands of the CRH. Relatively recent documents and interviews confirm this proposition, as evidence shows the Sendero Luminoso Nacional did not have access to the money the CRH generated through control of the coca trade (see Weinstein, 93). Ultimately, the Sendero Luminoso did not benefit from the drug trade in the Upper Huallaga Valley. In light of this evidence, it is possible to more accurately observe the effect of coca on civil conflict intensity in the case of the Sendero Luminoso in Peru.

[34] The analysis conducted in this study is based on the finding that the population of Huallaga experienced more intense conflict than Peruvians in Ayacucho.

insurgency.[35] This analysis examines whether conflict was more intense, measured by the number of civilian and combatant deaths, in the coca-rich region of Huallaga or in the coca-absent region of Ayacucho.[36] Further, an attempt, albeit non-definitive, is made to investigate whether the intensity of conflict in the Huallaga region varied with the local cultivation of coca and/or the price of coca in global markets.

The CRH and the Sendero Luminoso employed similar strategies, but different tactics and levels of violence, in their battle against the counterinsurgency. To establish order and gain control of an area, both factions of the Sendero Luminoso initially targeted the most hated individuals in a community. This strategy brought popular justice to the people as thieves, rapists, adulterers, and other delinquents were publicly assassinated for their wrongdoings at the hands of the insurgents.[37] While this course of action worked well to gain the necessary control over an area, the Sendero Luminoso Nacional and the CRH followed different paths as Peru's civil conflict progressed, resulting in different levels of conflict intensity in the two regions. Consequently, the Huallaga region experienced more intense civil conflict than the region of Ayacucho.

The Sendero Luminoso Nacional, while indisputably violent in their actions, exhibited relative restraint and discipline in designing and carrying out their attacks. This faction of the Sendero Luminoso was essentially responsible for inciting Peru's civil war with their first attack on May 17th, 1980.[38] The attack was largely symbolic and there were no injuries, as was the case for most incidents in the early days of the insurgency, as the Sendero Luminoso Nacional focused on political tactics, including mobilization and popular education of the masses.[39]

Initially, violent tactics used by the Sendero Luminoso Nacional were strictly discriminate, targeting public and private buildings affiliated with the government. However, as the civil war advanced, the use of violence by the Sendero Luminoso Nacional extended to include broader targets such as, "all representatives of governmental and imperial structures, including local officials, workers in nongovernmental organizations, owners of private enterprises, and active supporters of the government."[40] The attacks committed by the Sendero Luminoso Nacional were varied and included killing, looting, and destruction. Out of their total attacks on the

---

[35] Taylor, "Shining Path," preface.
[36] As mentioned above, data on the number of the deaths is incomplete. However, this analysis provides a starting point for further large-scale empirical studies.
[37] Weinstein, 85.
[38] Degregori, 33. As their first attack, the Sendero Luminoso Nacional burned the ballot boxes and registry in Chuschi on the eve of Peru's first democratic election in seventeen years.
[39] Weinstein, 87.
[40] Ibid., 85.

non-combatant population, destruction accounted for 66 percent of the incidents, looting for 11 percent, and killing for 23 percent.[41]

In contrast, the CRH carried out more indiscriminate attacks, thus killing more civilians and combatants. In fact, attacks in the Huallaga region were consistently more deadly than those launched by factions of the Sendero Luminoso in other regions, including Ayacucho.[42] Killings in the region of Huallaga made up 40 percent of the total incidents the CRH was responsible for committing against noncombatants.[43] This is markedly higher than the percent of killings committed by the Sendero Luminoso Nacional, indicating more intense violence towards noncombatants in the coca-rich Huallaga region than in Ayacucho. However, it is important to note that while the CRH killed civilians in 40 percent of their attacks, violence committed by both the CRH and the Sendero Luminoso Nacional tended to take the form of assassinations rather than massacres.[44]

In order to acquire and maintain control of the coca trade in the Huallaga Valley, the CRH exhibited coercive behavior that was unmatched in the Ayacuchan highlands.[45] Control of the coca trade and its associated wealth required that insurgents have access to land for cultivation and large amounts of peasant labour to tend crops.[46] Violence, most often in the form of killings, became the tool of choice for the CRH as a means of maintaining their control of the extremely profitable coca trade. Consequently, conflict was more intense in this region as violent attacks resulted in higher deaths of both targeted individuals with government affiliations, and of unassociated civilians.

Based on the analysis above, it is evident that the coca-rich Huallaga region of Peru experienced more intense conflict than the coca-poor region of Ayacucho. While a comprehensive examination of whether conflict intensity within the Huallaga region varied in correlation with the production of coca is beyond the scope of this paper, some preliminary findings on this relationship are offered as a means of directing

---

[41] Ibid., 213.
[42] Ibid., 217.
[43] Ibid., 213.
[44] Ibid. More than eighty percent of attacks by both the Nacional and Huallaga factions killed less than 6 individuals per attack. It is possible that this strategy was employed by the Sendero Luminoso to counter the largely indiscriminate massacres carried out by the Peruvian government in rural strongholds of the insurgency.
[45] Weinstein, 251.
[46] Edmundo Morales, "The Political Economy of Cocaine Production: An Analysis of the Peruvian Case," *Latin American Perspectives*, vol. 67, no. 4 (Fall, 1990): 91-109, 93. It is important to note that coca cultivation is very labour-intensive, thus the population's willingness to work in the coca industry was essential for the insurgents. The CRH also controlled air strips that were used by Columbian traffickers to transport the coca paste into Columbia while avoiding airspace controlled by the Peruvian government (see Ross, 56).

further research. As in many industries, the market price for coca largely determines the amount of production. There is some evidence indicating that the price of coca, and consequent coca production in Huallaga, initially influenced the level of conflict intensity facing the region during the civil war.[47]

Between 1970 and 1980, coca production increased at least six fold in the Upper Huallaga Valley and cultivation continued to rise throughout the 1980s.[48] As the CRH established their control in the region and gained financial strength from control of the coca trade, the insurgents also launched more frequent and deadly attacks, indicating an increase in conflict intensity.[49] Killings increased at the end of the 1980s and in the early 1990s when market prices for coca, coca production, and the CRH's control over the population of the Huallaga Valley were all very high.[50] In 1992, coca prices fell dramatically, resulting in a producer surplus and threatening the CRH's control over the population, as the possibility of crop substitution appeared to be a relatively realistic option and means of escape from the brutality of the insurgency.[51]

However, during this period, CRH attacks in Huallaga remained consistent and made up a larger share of all Sendero Luminoso activity, despite the collapse of the Sendero Luminoso at a national level and brutal counterinsurgency missions in 1994. The CRH was able to survive these setbacks and managed to re-establish its influence in areas it had lost as coca prices began to rise in the late 1990s.[52] This is perhaps due in part to the access insurgents have to funds generated from previous exploitation of natural resources. It is reasonable to expect that the annual revenue the CRH received from control of the coca trade was not all spent as soon as it was made; some of the funds must have been saved.

Thus, while the ability of the CRH to control the population on the basis of peasants' reliance on coca waned during periods of low production, the capacity of the CRH to exert violence and use other coercive measures did not.[53] The CRH continued to launch attacks on government forces, police, and civilians exhibiting resistance to the efforts of the insurgency, and is still active today.[54] This section of the analysis

---

[47] The mechanisms underlying this relationship remain unclear.
[48] Gonzales, 106.
[49] Weinstein, 93.
[50] Ibid., 251.
[51] Lawrence A. Clayton, *Peru and the United States: The Condor and the Eagle*, (Athens, GA: University of Georgia Press, 1999), 283.
[52] Clayton, 284-285.
[53] For more information on the element of control associated with alliances based on resources see Bruce H. Kay, "Violent Opportunities: The Rise and Fall of 'King Coca' and Shining Path," *Journal of Interamerican Studies and World Affairs*, vol. 41, no. 3 (Fall, 1999): 97-127.
[54] Weinstein, 257.

provides more questions than answers, and it is evident that further research on this relationship is required to gain a more thorough and accurate understanding. Based on this evidence, it remains unclear whether conflict intensity varies in correlation with the availability, price, cultivation, or reliance upon natural resources.

How Coca Contributed to More Intense Civil Conflict:

This paper proposed three mechanisms for explaining how natural resources, or, in this case, coca, contribute to or cause more intense civil conflict: natural resources for which a global market exists provide funding for insurgent efforts, resulting in more advanced weaponry and more deadly conflict; natural resources increase the "prize value" of the resource-rich area, thereby justifying higher costs in terms of human lives to maintain control of the region; and, finally, that natural resources increase the interest of international actors and probability of intervention by third parties, resulting in the potential for more intense violence.

In the case of the CRH faction of the Sendero Luminoso in Peru, all three mechanisms described above played a role in contributing to more intense conflict to some extent. In addition, a previously unanticipated mechanism, proposed by Weinstein's theory of organizational structure, surfaced as the analysis progressed: the presence of natural resources in an area impacts the organization and structure of an insurgency as insurgencies built on economic endowments, such as natural resource wealth, tend to use predominantly violent and relatively indiscriminate tactics, causing more intense civil conflict. This section discusses each of the proposed mechanisms as they apply to the Peruvian case.

The first mechanism, natural resources provide insurgents with more funds for their efforts, is partly true in the case of the CRH. It is undeniable that control over the coca trade was extremely profitable for the CRH, with annual estimates ranging between $10 and $100 million in profit.[55] While these funds stayed in the hands of the CRH, it remains unclear whether the majority of this wealth was put towards furthering the revolution, maintaining control of the area, and/or benefitting high-ranking CRH members. Certainly, the CRH did not lack the necessary funds to advance the Sendero Luminoso's insurrection. Conclusions on where exactly the coca wealth was spent, however, cannot be reached as a result of the analysis undertaken in this paper, thus the overall validity of this mechanism remains inconclusive.

The second proposed mechanism, natural resources increase the "prize value" of a region and result in more intense conflict, holds true in the case of the CRH.

---

[55] Clayton, 281.

Interestingly, control of the Huallaga region was seen as a different "prize" by the insurgency and the counterinsurgency. The CRH saw value in the Huallaga region because of the revenue the insurgency could generate through control of the coca trade.[56] In contrast, the Peruvian government saw value in the region not because of the opportunity for economic gains, but because control of the Huallaga Valley meant control of the coca trade and the ability to eradicate the cultivation of this illegal crop and the associated social and economic problems. The Peruvian government saw the Huallaga Valley as both a key stronghold of the Sendero Luminoso and the country's largest coca-producing region and wanted control of it.[57]

Consequently, steps were taken by both parties to control the area at any cost. The counterinsurgency launched both anti-drug and anti-CRH missions in the region, committing widespread massacres of the civilian population.[58] The CRH's desire to control the coca trade resulted in heavy-handed violent measures towards government targets and the civilian population. Thus, it is evident that the "prize value" of the area was high and coca contributed to more intense conflict in the region of Huallaga.

The third proposed mechanism, natural resources draw more international attention and increase the probability of intervention by a third party, is true in the case of the CRH.[59] In 1982, US President Ronald Reagan declared a "War on Drugs" in response to the high usage of cocaine in the United States of America.[60] American policies to combat this problem primarily targeted the supply side, escalating in 1986 when the drug trade was deemed a security threat to the Americas and the War on Drugs was militarized.[61] This action put even more pressure on the Peruvian government to eradicate the production of coca in the CRH's stronghold of Huallaga.

Militarized US antinarcotic operations increased in frequency from the mid-1980s onwards, resulting in more intense conflict from eradication efforts, and backlash from interactions with the CRH.[62] During this time, support for the CRH grew, as eradication efforts pursued by the counterinsurgency were not accompanied by the provision of crop substitution programs or other alternative means for coca growers in the valley to generate income. In fact, for most of 1989, the intensity of the CRH's

---

[56] This value is in addition to maintaining control of the region as a strong-hold for the Sendero Luminoso and furthering the ideological goals of the insurgency.
[57] Gonzales, 108.
[58] Weinstein, 241.
[59] It is also interesting to note that coca production and the drug trade in the region of Huallaga also drew more domestic attention to the area. The CRH was discovered to be operating in the region by the Peruvian government in 1984 as the result of an antidrug campaign (Gonzales, 106).
[60] Clayton, 278.
[61] Ibid., 279.
[62] Ibid., 282.

activities resulted in the withdrawal of Peruvian eradication crews and their DEA advisors.[63] Ultimately, American interest in the Huallaga Valley, due to the presence of coca, contributed to more intense conflict in the region as a result of international involvement.[64]

Finally, a fourth, and initially unexpected, mechanism is the effect that natural resources can have on shaping the organization and structure of an insurgency. This theory of organizational structure, proposed by Weinstein, suggests that insurgencies constructed around economic endowments tend to exhibit higher levels of indiscriminate violence, whereas insurgencies rooted in social endowments are more likely to exhibit discipline and restraint.[65] In the case of the Sendero Luminoso in Peru, this theory is applicable and provides insight into the less obvious effect natural resources can have on conflict intensity.

While the Sendero Nacional and the CRH were factions of the same insurgency, the decentralized structure of the Sendero Luminoso allowed each regional committee to be shaped separately. The Sendero Nacional was constructed around ideology and social endowments, and exhibited more restraint and discipline through their discriminate use of violence and fewer killings as a percent of all incidents. In contrast, the CRH was formed around economic endowments due to the financial aspects of control over the coca trade and, while still based in communist ideology, promised security and economic prosperity to its supporters. Consequently, as Weinstein's theory predicts, the CRH used more indiscriminate violence and exhibited higher levels of killing. Clearly, there is a relationship between the endowments around which an insurgency is formed and the nature of violence that rebels employ.

Results and Policy Prescriptions:

This analysis has found that the coca-rich Huallaga region of Peru, controlled by the CRH, experienced more intense civil conflict than the Ayacucho region. In light of this finding, a discussion of relevant policy prescriptions is warranted. Of course, the applicability of policy options generated from this case study is limited, due to the context-specific nature of Peru's civil war and a lack of large-scale empirical data to support the generalization of this paper's findings across cases. Nonetheless, this examination of the relationship between conflict intensity and coca in Peru has

---

[63] Ibid., 284. It is important to note that conflict intensity remained high even after the withdrawal of eradication efforts, as the focus shifted from the War on Drugs to counterinsurgency operations.
[64] These policies focusing on the supply side and ignoring the role the West has played in the demand side of the equation, putting pressure on traditional local economies (see Morales).
[65] Weinstein, 210.

contributed to a better understanding of the mechanisms underlying the link between these variables. This section analyzes potential policies to manage conflict in the Huallaga region in a contemporary context and during an active civil war.

An examination of counterinsurgency policies targeting the CRH in the Huallaga region both during and after the civil war provides insight into what worked and what did not, paving the way for the development of more successful counterinsurgency strategies in the future. First, it must be noted that the CRH is still active in the Huallaga Valley today, despite the collapse of the Sendero Luminoso at a national level from 1992 to 1994 following the capture of Guzmán by counterterrorism police in 1992.[66] In defiance of continued eradication efforts at the international level, coca production in the Huallaga Valley continues, largely controlled by the CRH, and has been on the rise in recent years despite lower production levels in the early to mid-1990s due to a drop in the market price of coca.[67]

Undoubtedly, policies aimed at eradicating coca cultivation and, consequently, undermining the financial assets and control over the population with which this natural resource provides the CRH, have been relatively unsuccessful. Thus, it is apparent that in times of relative peace, policies that aim to terminate coca production in order to stop the CRH require help from both the Peruvian government and the international community. It is essential to establish realistic and viable crop substitution programs to decrease the population's reliance on the illicit cultivation of coca in rural areas of Huallaga and eliminate the need for the protection from drug lords offered by the CRH. However, policies targeting the supply side of the market for coca are not enough. Efforts to reduce global demand for cocaine and the market price of coca must also be undertaken in a multilateral fashion on behalf of the major importing countries, mainly the U.S. and Europe. Evidently, regional cooperation and policies targeting both the supply and demand sides of the market for coca are necessary to combat cultivation of coca in Peru to defeat the insurgency and render the CRH irrelevant.

Counterinsurgency policies in times of relative peace and in times of intense conflict can vary greatly. In terms of policy prescriptions for counterinsurgents facing rebels with control over natural resources in times of civil war, broad or general policy options appear to be limited, and the context-specific nature of this issue becomes very evident. Nonetheless, there are lessons to be learned from the experience in Peru, as

---

[66] Weinstein, 86.

[66] BBC News, "Peru's Coca Cultivation Increases Again, Says UN Study," (September 26, 2012), retrieved from http://www.bbc.co.uk/news/world-latin-america-19737984.

counterinsurgent policies using indiscriminate violence against civilians were relatively less successful in the Huallaga region than in Ayacucho, as evidenced by the fact that the CRH is still alive and functioning today.[68]

During the war, the counterinsurgency did not employ a "hearts and minds" approach, instead primarily using a scorched earth policy and conducting indiscriminate massacres due to a lack of intelligence on the Sendero Luminoso.[69] A lack of adequate training and Peru's policy of conscription further contributed to weak forces and counterinsurgency failures throughout the 1980s. The capture of Guzmán in 1992 coincided with the anti-insurgency sentiments of many civilians, based on increasing subjection to violence at the hands of the Sendero Luminoso, and ultimately led to the downfall of the insurgency at a national level.[70] However, counterinsurgent measures to defeat the wealthy and powerful CRH have been relatively unsuccessful.

Counterinsurgency operations in the region of Huallaga during the war were tarnished by corruption and met with fierce civilian opposition, due to the coca eradication efforts that accompanied the majority of these missions.[71] On the basis of this analysis, it is proposed that a "hearts and minds approach" would be the best option for counterinsurgencies facing coca-rich areas controlled by insurgents.[72] Such an approach would focus on consent and reducing the demand for rebellion so that the government can secure the population and address popularly held grievances.[73] Consequently, there would be less coercion and violence on the part of the counterinsurgency with this approach.[74]

However, such an approach must be supplemented with regional development and crop substitution programs to decrease the reliance of coca-growers on illicit crop cultivation. Counterinsurgencies should aim to undermine insurgent control of the population by eliminating the dependence of the populace's survival on the industry in question (the coca trade). It is evident that indiscriminate massacres on behalf of the

---

[68] Ibid. Albeit on a much smaller scale, attacks in the Huallaga Valley are still frequent and deadly.
[69] Taylor, "Counter-insurgency Strategy, the PCP-Sendero Luminoso and the Civil War in Peru, 1980-1996," *Bulletin of Latin American Research*, vol. 17, no. 1 (January, 1998): 35-58, 43.
[70] Ibid., 51.
[71] Ibid., 52.
[72] For more information on this counterinsurgency approach, see Paul Dixon's "Hearts and Minds? British Counter-Insurgency From Malaya to Iraq," *Journal of Strategic Studies* 32, No. 3 (June 2009): 353-381.
[73] Eli Berman, Jacob N. Shapiro, and Joseph H. Felter, "Can Hearts and Minds Be Bought? The Economics of Counterinsurgency in Iraq," *Journal of Political Economy*, vol. 119, No. 4 (October, 2011), 771.

[74] What exactly constitutes a "hearts and minds approach" is contested. See Paul Dixon, "Hearts and Minds? British Counter-Insurgency from Malaya to Iraq," *The Journal of Strategic Studies*, vol. 32, no. 3 (June, 2009): 353-381.

counterinsurgency and eradication efforts lacking subsequent crop substitution programs are not enough to combat insurgency in areas rich with illicit crops and lacking government provision of services.

CONCLUSION

In conclusion, the findings of this study indicate that natural resources, particularly coca, can cause more intense conflict by providing insurgents with wealth, increasing the "prize value" of a region, and drawing more international attention and interventions to the area. Consequently, the initial thesis can be deemed "plausible," although further empirical research is needed to confirm this result at a broader level. The finding that coca can cause more intense civil conflict, in terms of higher casualties, has implications for policy makers seeking to effectively manage natural resources during times of both peace and conflict in a way that mitigates conflict escalation and minimizes victims. While the case study conducted in this paper has provided insight into the effects of coca on conflict intensity in Peru, the need for additional research on this important relationship must be stressed. In the meantime, the policy prescriptions presented for dealing with ongoing conflict in the Huallaga Valley provide relevant guidance on how to effectively curb the insurgency's grip on power by rendering the CRH irrelevant.

Bibliography:

BBC News, "Peru's Coca Cultivation Increases Again, Says UN Study." BBC. September 26, 2012. Retrieved fromhttp://www.bbc.co.uk/news/world-latin-america-19737984.

Berman, Eli, Jacob N. Shapiro, and Joseph H. Felter. "Can Hearts and Minds Be Bought? The Economics of Counterinsurgency in Iraq." *Journal of Political Economy*, vol. 119, no. 4 (August, 2011): 766-819.

Chalk, Peter. "The Latin American Drug Trade: Scope, Dimensions, Impact and Response." Santa Monica, CA: RAND Corporation, 2011.

Clayton, Lawrence A. *Peru and the United States: The Condor and the Eagle*. Athens, GA: The University of Georgia Press, 1999.

Degregori, Carlos Iván. "Origins and Logic of the Shining Path: Return to the Past." In ed. David Scott Palmer, *The Shining Path of Peru*. New York: St. Martin's Press, 1992, 33-44.

Is Coca Worth Killing For?

Dixon, Paul. "Hearts and Minds? British Counter-Insurgency from Malaya to Iraq." *The Journal of Strategic Studies* 32, No. 3 (June 2009): 353-381.

Fearon, James D. "Primary Commodity Exports and Civil War." *The Journal of Conflict Resolution*, vol. 49, no. 4 (August, 2005): 483-507.

Gonzales, José E. "Guerillas and Coca in the Upper Huallaga Valley." In ed. Palmer, 106-125.

Humphreys, Macartan. "Natural Resources, Conflict and Conflict Resolution: Uncovering Mechanisms." *Journal of Conflict Resolution*, vol. 49. no.4 (August, 2005): 508-537.

Kay, Bruce H. "Violent Opportunities: The Rise and Fall of 'King Coca' and Shining Path." *Journal of Interamerican Studies and World Affairs*, vol. 41, no. 3 (Fall, 1999): 97-127.

Le Billon, Philippe. "The Political Ecology of War: Natural Resources and Armed Conflict." *Political Geography*, vol. 20, no. 5 (June, 2001): 561-584.

McClintock, Cynthia. "Why Peasants Rebel: The Case of Peru's Sendero Luminoso." *World Politics*, vol. 37, no. 1 (October, 1984): 48-84.

Morales, Edmundo. "The Political Economy of Cocaine Production: An Analysis of the Peruvian Case." *Latin American Perspectives*, vol. 67, no. 4 (Fall, 1990): 91-109.

Ross, Michael. "How Do Natural Resources Influence Civil War? Evidence from Thirteen Cases." *International Organization*, vol. 58, no. 1 (Winter, 2004): 35-67.

—"What Do We Know About Natural Resources and Civil War?" *Journal of Peace Research*, vol. 41, no. 3 (May, 2004): 337-356.

Tarazona-Sevillano, Gabriela. "The Organization of Shining Path." In ed. Palmer: 172-190.

Taylor, Lewis. *Shining Path: Guerilla War in Peru's Northern Highlands, 1980-1997*. Liverpool: Liverpool University Press, 2006.

—"Counter-insurgency Strategy, the PCP-Sendero Luminoso and the Civil War in Peru, 1980-1996." *Bulletin of Latin American Research*, vol. 17, no. 1 (January, 1998): 35-58.

Truth and Reconciliation Commission. *Final Report.* Lima: August 28, 2003. Retrieved from http://www.cverdad.org.pe/ingles.

Weinstein, Jeremy M. *Inside Rebellion: The Politics of Insurgent Violence*. New York: Cambridge University Press, 2007.

Wickham-Crowley, Timothy P. *Guerillas and Revolution in Latin America: A Comparative Study of Insurgents and Regimes Since 1956*. Princeton, NJ: Princeton University Press, 1992.

Not So Normative After All: The Securitization of Migration since 9/11 and the Erosion of Normative Power in Europe

Adam Moscoe

Abstract: Since the terrorist attacks of September 11, 2001, accelerated initiatives to combat terrorism have been criticized for overstepping the bounds of universal human rights norms. A defining feature of European Union (EU) policy as a normative power is how it navigates the customary frictions between human rights and counter-terrorism by committing to "combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice." This paper argues that the threat of transnational terrorism has led Europe to stray from its normative position. This is most clearly understood by examining the securitization of EU interactions with the Mediterranean - particularly North Africa - with regard to migration policy. Migration is considered as "transformed into a key element in the context of transnational threats," and indeed EU Member States are targeted by Islamist terrorists entering EU soil by way of the Middle East or the Maghreb. Finally, this paper explores how the post-9/11 threat environment - an intensified "global risk society" -has led the EU to downplay its traditional role in ensuring protection of universal human rights through such normative instruments as the European Court of Human Rights (ECtHR).

Introduction

Since the terrorist attacks of September 11, 2001 (9/11), accelerated initiatives to combat terrorism have been criticized for transgressing human rights norms. As a normative power, the European Union (EU) has been forced to navigate the time-honoured frictions between human rights and counter-terrorism in its response to 9/11. The conceptualization of the EU as a normative power in terms of its "international identity" focuses on the EU's exercise of power over principle and opinion. Due to its origins in the shadow of genocide, the EU's foundational documents have emphasized the pursuit of peace and the protection of human rights and freedoms.[1] Peace and

Adam Moscoe graduated from the University of Ottawa in 2013 with a BA (Honours) in Psychology, and is currently pursuing his MA at the university's Graduate School of Public and International Affairs. In addition to counterterrorism and the European Union, Adam's research interests include Canadian policy towards the

liberty were "defining features" of post-war Europe policy, while democracy, rule of law, and human rights were introduced during the Cold War in order to draw a distinction between Western Europe and the Soviet sphere.[2] Both an identity and a purpose, the EU's focus on liberty, democracy and the rule of law has manifested itself in various instruments and institutions, such as the European Court of Human Rights (ECtHR). Broadly speaking, universal norms—such as the Universal Declaration of Human Rights—play a central role in the EU's rhetoric, policy instruments, and—most critically—relations with other states. As such, it becomes clear that, "not only is the EU constructed on a normative basis, but importantly that this predisposes it to act in a normative way in world politics."[3]

Post-war Europe has faced no greater threat to the vitality and projection of its normative power than the post-9/11 counterterrorism enterprise. The EU professes a commitment to, "combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice."[4] The EU strategy consists of four strands—prevent, pursue, protect and respond—emphasizing in particular the responsibility to prevent radicalization through multilateral cooperation. Yet even with a well-formulated strategy, the priority the EU places on its relations with the United States combined with the post-9/11 threat environment—and resulting US pressure on states to take action—has damaged Europe's normative power and its ability to exercise that power. This is most clearly understood by examining the securitization of EU interactions with the Mediterranean—particularly North Africa—in the formation and implementation of migration policy. Securitization—part of the Copenhagen School of Security Studies—is the process by which a phenomenon is socially constructed as a security concern and accepted as such within the public discourse.[5] Securitization can, "mobilize opinion and constitute legitimacy and authority," for measures taken to address security threats.[6]

Middle East, transitional justice, multilateral approaches to genocide and mass atrocity prevention, and United Nations reform. He has worked at the Parliament of Canada and in Israel, Germany, and Rwanda. Adam is a Global Shaper of the World Economic Forum and was named one of Canada's "Top 20 Under 20" in 2011.

[1] Ian Manners, "Normative Power Europe: A Contradiction in Terms?," *JCMS: Journal of Common Market Studies*, vol. 40, no. 2 (December, 2002): 235-58, 240.
[2] Ibid., 243.
[3] Ibid., 252.
[4] Council of the European Union, *The European Union Counter-Terrorism Strategy*, 14469/4/05 REV 4. (Brussels: 2005), retrieved from http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf.
[5] Thierry Balzacq, "The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies," *JMCS: Journal of Common Market Studies*, vol. 46, no. 1 (January, 2008): 75-100, 80; Michaela Ceccorulli, "Security and migration: the development of the Eastern dimension," *European Security*, vol. 19, no. 3 (December, 2010): 491-510, 491.
[6] Andrew W. Neal, "Securitization and Risk at the EU Border: The Origins of FRONTEX," *JCMS: Journal of Common Market Studies*, vol. 47, no. 2 (January, 2009): 333-356, 335.

Not so Normative After All

Since 9/11, EU processes and institutions concerned with migration have been securitized and migration, in turn, has been, "transformed into a key element in the context of transnational threat,"[7] Such a climate of threat is enhanced by the continued targeting of EU member states by Islamist terror networks whose members enter EU soil from the Middle East or the Maghreb.[8] This paper applies securitization theory to examine how the post-9/11 threat environment—an intensified "global risk society"—has significantly eroded the EU's normative power. [9] Since it is not possible to adequately consider all EU counterterrorism policies and practices, this paper will focus on the influence of the counterterrorism agenda on migration control policies and institutions. Further emphasis will be placed on the tension between the unilateral and bilateral interests of European states and the EU's multilateral framework for exercising normative power. It will become clear that the EU's post-9/11 efforts to exercise supranational normative power have failed to move beyond the rhetorical and remain subordinate to the interests of its member states.

This topic is of striking relevance due to the ascendance of European voices, such as Dutch Freedom Party leader Geert Wilders, who openly condemn Islam and call for tightened EU migration policies. Even more powerful is the political and societal reaction to two March, 2012 shootings in Toulouse, France by Mohammed Merah, a French citizen affiliated with Al Qaeda. The French response included extensive raids indiscriminately targeting Muslim communities while seeking to deny the entry of individuals into France, "who [do] not share the country's values," and, "who have no reason to be here."[10] Former President Nicolas Sarkozy used the attacks to position himself in an election year as, "tough on Islamic radicalism."[11] His "speech acts" presented Islamic migration as an existential threat to France. [12] Moreover, the failure of the police to capture Merah alive led right-leaning observers to criticize French

---

[7] George Joffé, "The European Union, Democracy and Counter-Terrorism in the Maghreb," *JCMS: Journal of Common Market Studies*, vol. 46, no. 1 (January, 2008): 147-171, 148.

[8] Christian Kaunert, and Sarah Léonard, "EU Counterterrorism and the European Neighbourhood Policy: An Appraisal of the Southern Dimension," *Terrorism and Political Violence*, vol. 23, no. 2 (March, 2011): 286-309, 287.

[9] Claudia Aradau and Rens van Munster, "Governing Terrorism through Risk: taking precautions, (un)knowing the future," paper presented at the annual meeting of the International Studies Association (San Diego, CA: March 22, 2006), 8.

[10] CNN Wire Staff, "France deports 2 Islamic radicals, will expel 3 more," CNN, (April 3, 2012), retrieved from http://edition.cnn.com/2012/04/02/world/europe/france-muslim-deportations/?hpt=wo_bn9.

[11] Alan Cowell and Steven Erlanger, "French Police Seize 17 in Raids After Killings in Toulouse," *New York Times*, (March 31, 2012), retrieved from http://www.nytimes.com/2012/03/31/world/europe/france-police-seize-20-in-raids-following-toulouse-killings.html?ref=sunday-review.

[12] Léonard, "EU border security and migration into the European Union: FRONTEX and securitisation through practices," *European Security*, vol. 19, no. 2 (2010): 231-54, 235.

counterterrorism practices as being too reliant on, "human contacts, local intelligence and human resources" and not enough on American-style surveillance technologies.[13]

This paper examines the development and implementation of EU polices aimed at addressing transnational terrorism as it relates to migration. Emphasis will be placed on the tension between the interests of Member States and the EU's multilateral framework for exercising normative power. It will be argued that the EU's post-9/11 efforts to exercise supranational normative power have failed to move beyond the rhetorical and remain subordinate to national interests. Since Member States are each affected differently by the threat of terrorism via migration, the EU has been unable to formulate a framework for collective action, raising further questions about the continued viability of the EU Counterterrorism Strategy and of the EU itself.

EU counterterrorism processes prior to September 11, 2001

The end of the Cold War saw the EU shift attention from great power dynamics to more complex security concerns, including migration and organized crime, while at the same time prioritizing the protection of human rights norms. Yet the EU continued—until 9/11—to lack instruments for articulating a common counterterrorism policy.[14] EU organs such as the European Parliament began to focus their exercise of normative power on respect for individual rights, the rule of law, and democracy.[15] Since 9/11, the EU has drifted considerably from this post-Cold War trajectory. Meanwhile, events in the early 1990s—such as migration spurts during the Algerian civil war—led Spain, Italy and France to re-examine Euro-Mediterranean policy. These states faced pressure from their North African counterparts to cease being a haven for dissidents. However, in this instance normative power prevailed and the migration threat was mitigated not through security crackdowns but through economic development intended to, "render emigration from North Africa and the Middle East unnecessary."[16] The EU Global Approach to Migration frames this aid as part of a "partnership" to address migration, "in an integrated, comprehensive and balanced way."[17]

---

[13] Erlanger, "Fighting Terrorism, French-Style," *New York Times*, (April 1, 2012), retrieved from http://www.nytimes.com/2012/04/01/sunday-review/the-french-way-of-fighting-homegrown-terrorism.html?_r=1&ref=world.
[14] Joffé, 155.
[15] Manners, "Normative Power Europe: the International Role of the EU," presented at the Biennial Conference of the European Community Studies Association, (Madison, WI: May 31, 2001).
[16] Joffé, 154.
[17] Katja F. Aas, "The securitization of migration: Whose justice and whose security?, Norwegian Research Council, draft paper (2007), retrieved from http://org.uib.no/imer/14Nordic/Papers%20fra%2014.%20Migrasjonsforskerkonferanse/Aas.pdf.

Not so Normative After All

To continue with our examination of pre-9/11 norms, the Barcelona Declaration of 1995 called for strengthened cooperation between police, judicial and customs authorities with a view to "stepping up exchanges of information and improving extradition procedures." Similarly, the EU Justice and Home Affairs (JHA) Council encouraged member states to, "strengthen controls at the external borders . . . to exercise the utmost vigilance when issuing identity documents and residence permits . . . [and] to apply procedures for the issuing of visas with maximum rigour . . . ".[18] The JHA Council's strategy is essentially a supranational version of the intergovernmental Trevi Framework of 1975.[19] While the Barcelona Declaration focused the Euro-Mediterranean Partnership on the pursuit of ,"peace, stability and prosperity," through the, "strengthening of democracy and respect for human rights," the post-9/11 agenda has shifted the Partnership to prioritize security over humanitarian concerns or economic needs for labour migrants.[20] This is another direct manifestation of the securitization of migration, one that compromises the EU's normative power in regards to its relations with the Mediterranean.

Following the Cold War, the Euro-Mediterranean common security agenda prominently emphasized human rights, including in the realm of law enforcement. However, after 9/11 a conceptual linkage was formed between the JHA's first pillar (external border security) and its third pillar (police and judicial co-operation), designating them as "complementary."[21] In an attempt to exercise normative power through norm transmission, the EU worked to export this new JHA agenda by convincing Maghreb states to adopt similarly strong policies.[22] In actuality, the reverse process occurred, with some EU states adopting the counterterrorism agendas of South Mediterranean states. This phenomenon, known as "externalization in reverse" poses an acute challenge to the EU's normative power.[23] Meanwhile, Human Rights Watch and other groups have criticized the JHA Council for ignoring the European Parliament in its activities.[24] For instance, in 2005 the Council passed the Asylum Procedures Directive and did not incorporate the more than one hundred amendments

---

[18] Ceccorulli, 499.
[19] Cecorulli, 500.
[20] Council of the European Union, *Barcelona Declaration*, (November 27-8, 1995), retrieved from http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf, 3; Georgis Karyotis, "European migration policy in the aftermath of September 11: the security-migration nexus," *Innovation*, vol. 20, no. 1 (2007): 1-17 13.
[21] Council of the European Union, Office of the Presidency, "Seville European Council, 21 and 22 June 2002, Presidency Conclusions," (October 24, 2002), retrieved from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72638.pdf.
[22] Joffé, 158.
[23] Joffé, 167.
[24] Human Rights Watch, "European Union: Managing Migration Means Potential EU Complicity in Neighboring States' Abuse of Migrants and Refugees," (October 17, 2006), retrieved from http://www.unhcr.org/refworld/docid/4565dfbb4.html.

proposed by the Parliament. The United Nations High Commissioner for Refugees (UNHCR) expressed worry that, "the implementation of the directive may lead to breaches of international refugee law . . . and make it harder for refugees to have their asylum claims properly heard in Europe."[25] That EU action—or rather inaction—has prompted explicit concern within the UN should be a worrisome revelation for Europeans concerned with maintaining normative power.

The securitization of migration in the EU following September 11, 2001

Under pressure from the White House, Europe reacted quickly to 9/11 and the first EU counterterrorism plan was released only ten days after the World Trade Center attacks. Since the architects of the 9/11 calamity included immigrants living in Hamburg, the EU had to address a European connection to these unprecedented attacks. The Hamburg Cell revelation deeply influenced public opinion concerning Islamist terrorism. It led to the, "reification of Muslim migrants into the mythologized personification of an exaggerated threat and thus the object of securitized policies."[26] Murphy identifies two trends that characterize post-9/11 EU counterterrorism: "accelerated co-operation and a shift towards pre-emption."[27] Both are observed with regard to migration, as the EU—with broad public support—enhanced measures to prevent aspiring terrorists from gaining entry into Europe via lax border security standards. The 2005 EU Counterterrorism Strategy aims to ,"prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve our capability to respond to and manage the consequences of terrorist attacks."[28] One feature of the strategy that uniquely pertains to migration is the mention of, "engagement with developing countries vulnerable for harbouring terrorists . . . [namely] priority third countries—including in North Africa, the Middle East and South East Asia."[29] This includes—as in the Algeria case—a commitment to support economic development in these countries so as to target the distal causes of illegal immigration.[30]

Consistent with messaging affirming human rights while prioritizing the prevention of radicalization, EU policy calls for the establishment of a, "comprehensive approach

---

[25] Ibid.
[26] Richard Jackson, "An Analysis of EU Counter-Terrorism Discourse Post-September 11," *Cambridge Review of International Affairs*, vol. 20, no. 2 (June, 2007): 233-247, 236.
[27] Cian Murphy, "EU Counter-Terrorism & the Rule of Law in a Post-'War on Terror' World," in ed. Martin Schein, *European and US Counter-Terrorism Policies, The Rule of Law and Human Rights*, (San Domenico, Fiesole, Italy: European University Institute, March, 2011), retrieved from http://ssrn.com/abstract=1958335, 1.
[28] Council of the European Union, *Counterterrorism Strategy*, 6.
[29] Ibid., 7.
[30] Delegation of the European Union to the United States, "Counterterrorism," (2011), retrieved from http://www.eurunion.org/eu/Counterterrorism/Counterterrorism/Justice-Freedom-Security.html.

that manages migratory flows balancing all relevant aspects of migration, including human rights, international development, economic and security interests."[31] Also within the "prevention" agenda—whose singular importance was reaffirmed in 2010 by the Stockholm Programme—there is an emphasis on combating radicalization through integration and dialogue among, "cultures, faiths and civilizations." [32] Alluding to the situation of Muslim immigrants, the strategy calls for EU states to, "ensure that voices of mainstream opinion prevail over those of extremism by engaging with civil society and faith groups that reject the ideas put forward by terrorists and extremists that incite violence."[33] Furthermore, EU members are asked to criminalize terrorist recruitment and incitement in religious settings.[34] France recently expelled a Malian imam due to, "sermons that promoted anti-Semitism and rejection of the West."[35] With regard to Muslim integration in the aftermath of the 2004 and 2005 attacks in London and Madrid, respectively, EU member states undertook numerous measures such as new citizenship laws and language proficiency requirements; increased dialogue with Muslim organizations; support for "homegrown" imams better able to integrate European traditions with religious practise; improved vocational training; and intensified efforts to combat discrimination generally.[36] A 2005 Council of Europe report takes aim at "iniquitous" religious figures who, "stir up feelings of hatred or even racism towards the host society or some sections of that society."[37] The report recommends strengthened efforts to combat illegal immigration while carefully noting that counterterrorism-focused integration measures must not impose, "unwarranted, disproportionate restrictions on [legal] immigrants' personal freedoms."[38] The report goes on to frame tightened borders as precautions that are in the best interests, "of those immigrants who aspire to live in peace in their host country and who publicly distance themselves from the terrorist groups, with which, therefore, they should not be indiscriminately associated."[39]

At the rhetorical level, the EU Counterterrorism Strategy reflects a normative approach, yet some observers of the implementation of these EU norms suspect they

---

[31] Ibid.
[32] Council of the European Union, *The Stockholm Programme—An open and secure Europe serving and protecting citizens*, (Stockholm: May 5, 2010), retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:01:EN:HTML.
[33] Ibid.
[34] Ibid.
[35] CNN Wire Staff.
[36] Kristin Archick et al, *Muslims in Europe: Promoting Integration and Countering Extremism*, Congressional Research Service (Washington, DC: September 7, 2011), retrieved from http://www.fas.org/sgp/crs/row/RL33166.pdf, 7.
[37] Parliamentary Assembly of the Council of Europe, *Migration and integration: a challenge and an opportunity for Europe*, Rec 1437 (April 27, 2005), retrieved from http://www.refworld.org/docid/47fdfacb0.html.
[38] Ibid. Section 10.
[39] Ibid. Section 95.

are merely a "construct which camouflages"[40] the real priorities of the EU and its member states. As we consider the implementation of EU policies on combating terrorism through migration control, the question emerges as to whether the normative elements of the Strategy – including those pertaining to human rights – constitute a comprehensive, values-driven European agenda or merely a projection of rhetoric that is increasingly at odds with state behaviour.

Bigo outlines several manifestations of the securitization of migration: the growing distinction between the EU's external and internal borders; the establishment of "detention zones" in airports to efficiently deport those lacking adequate documentation and a decrease in the number of accepted asylum-seekers, among other reforms.[41] In the aftermath of 9/11, the EU has shown extra willingness to integrate border surveillance and migration control with counterterrorism objectives through such measures as data gathering on "irregular migrants and asylum seekers."[42] France, for instance, has focussed on fighting Al-Qaeda in the Islamic Maghreb in the former French colonies of Algeria and, most recently, Mali. In their efforts to fight transnational terrorism and reinforce the Euro-Mediterranean Partnership, EU member states are repeatedly confronted by their colonial pasts. The Euro-Mediterranean Partnership was affirmed through the 2007 Lisbon Treaty, the Hague Programme of 2005 and by the European Commission which in 2006 resolved to embark on a, "high level dialogue on terrorism," while increasing cooperation to, "improv[e] migration management and security."[43] More concerning to rights monitors is The Hague Programme's endorsement of biometric identifiers and data as part of a, "continuum of security measures that effectively links visa application procedures and entry and exit procedures at external border crossings."[44] In a further demonstration of the securitization of migration, The Hague Programme also calls for increased cooperation between EU counterterrorism agencies and the Strategic Committee on

---

[40] Joffé, 167.

[41] Didier Bigo, "Globalized (in)Security: the Field and the Ban-opticon," in eds. Bigo and Anastassia Tsoukala, *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11* (Routledge, 2006), retrieved from http://www.ces.fas.harvard.edu/conferences/muslims/Bigo.pdf, 18.

[42] Christina Boswell, "Migration Control in Europe after 9/11: Explaining the Absence of Securitization," *JCMS: Journal of Common Market Studies*, vol. 45, no. 3 (August, 2007): 589-610, (2006), 590.

[43] Commission of the European Communities, *A Strategy on the External Dimension of the Area of Freedom, Security and Justice*, COM(2005) 491, (Brussels: December 12, 2005) retrieved from http://eurlex.europa.eu/LexUriServ/site/en/com/2005/com2005_0491en01.pdf.

[44] Valsamis Mitsilegas, "Operational Co-Operation and Counter-Terrorism in the EU," in ed. Ferruccio Pastore, *Supranational Counter-Terrorism*, Working Paper 22/2005, Centro Studidi Political Internazionale, (Rome: November, 2005): 10-19, retrieved from http://www.cespi.it/WP/WP22%20Pastore-Mitsilegas.pdf, 15.

Immigration, Frontiers and Asylum (SCIFA), ultimately leading to a European Council Committee on Internal Security.[45]

In the aftermath of 9/11, the EU has increasingly neglected multilateral instruments in favour of interstate agreements. There are, however, many notable multilateral counterterrorism initiatives established by the European Council. Intelligence-sharing platforms as well as external border management projects like the controversial FRONTEX are, "playing a significant role in the securitization of asylum and migration."[46] FRONTEX orchestrates joint border control operations with guards and equipment from multiple EU member states, aimed at stemming migration flows. The role of the military in these operations suggests a "semi-militarisation" of border controls, while their "extraordinary" nature worries rights monitors. FRONTEX's role of assisting member states in returning migrants – including rejected asylum seekers – to their countries of origin may in certain situations constitute a violation of the *non-refoulement* principle, which prohibits states from sending individuals to countries where they may face torture or other human rights violations.[47]

By adopting Bigo's 'sociological' approach to securitization—which, "privileges the role of practices over that of 'speech acts,'"—Léonard's research on FRONTEX compellingly portrays the extent to which migration has been securitized in response to 9/11. [48] Additionally, unlike bilateral initiatives, FRONTEX emerged from the EU and thus can enable all member states to participate in securitization practices, including those states with less experience in, or financial resources for, addressing migration in their domestic implementation of the Counterterrorism Strategy.[49] At the same time, FRONTEX remains constrained by the EU and is financially dependent on the European Parliament. Therefore, it is unable to ignore EU human rights norms with the same impunity as state-driven initiatives, such as the Prüm Convention (discussed below) and Italy's bilateral partnerships with Libya. In another example of supranational cooperation, NATO helped Greece in 2006 to prevent illegal immigration, "in the course of conducting counter-terrorism operations in the Mediterranean Sea."[50] In summary, Léonard clarifies that the securitization of migration is primarily occurring through bilateral state initiatives, not through the EU. The latter is constrained due to asylum and migration interest groups, time-

---

[45] Ibid. 16.
[46] Léonard, 232.
[47] Léonard, 240.
[48] Bigo, "International Political Sociology," in ed. Paul D. Williams, *Security studies: An Introduction*, (London: Routledge, 2008): 120-135; Léonard, 246.
[49] Léonard, 247.
[50] Elspeth Guild and Didier Bigo, "Chapter 9—The Transformation of European Border Controls," in eds. Bernard Ryan Mitsilegas, *Extraterritorial Immigration Control: Legal Challenges,* (Leiden: Brill Academic, 2010), retrieved from http://www.didierbigo.com/documents/Chapter9-TheTransformationofEuropeanBorderControls.pdf, 20.

honoured refugee protection norms, and inevitable obligations under human rights law, among other factors. Therefore, she claims, it is unlikely that the EU itself would employ "extraordinary measures" consistent with the securitization of migration.[51] In response, I argue that while the EU as a collective continues to uphold these principles of justice and rights protection at the supranational level, the problematic practises of specific states implicate the entire EU for deviating from its traditional role as a normative power. Meanwhile, it is important to recognize an alternative viewpoint concerning FRONTEX. Andrew Neal argues that the creation of FRONTEX demonstrates the failure of – rather than a response to – the securitization of migration. He states that in spite of the "securitizing links" articulated at the rhetoric level, "the creation of FRONTEX was not the urgent and exceptional policy that the logic of securitization theory would expect."[52] However, Neal fails to define what a sufficiently urgent and exception policy might look like. Furthermore, the aforementioned legal and political constraints faced by FRONTEX may account for Neal's observations without refuting the applicability of securitization theory in regards to post-9/11 migration control in the EU.

Frictions between multilateral and transgovernmental initiatives

The greatest threat to the EU's normative power in the post-9/11 era has emerged not from within the Union's own institutions, but rather through arrangements between two or more member states. As some states are more affected by the threat posed by transnational terrorism than others, the more anxious states have initiated intensive counterterrorism initiatives without the consent of the full EU membership. A concrete example is the establishment of the Association of European and Mediterranean Police Forces and Gendarmeries (FIEP) by France, Spain and Italy in 1994, after which more states joined on. Such initiatives operate without the supervision or moderation of a central organ like the EU and are seen as examples of "intensive transgovernmentalism"[53] With respect to migration, one might examine the confidential refugee control agreements between Italy and Libya and between France and Algeria, Morocco and Tunisia. A further example is the signing of the Prüm Convention by seven EU member states in 2005, a process that reverted to the "intergovernmental arena" and ignored the European Parliament's sober

[51] Léonard, "The 'Securitization' of Asylum and Migration in the European Union: Beyond the Copenhagen School's Framework," paper presented at Standing Group on International Relations Sixth Pan-European International Relations Conference, (Turin: September 12, 2007), retrieved from http://turin.sgir.eu/uploads/Léonard-sgir_conference_paper_final_sLéonard.pdf, 30.
[52] Neal, 334.
[53] Joffé, 165

trepidations.[54] The Prüm Convention strengthens cooperation to combat terrorism, cross-border crime and illegal immigration while maintaining distance from the oversight of EU bodies. Analysts are concerned about the techniques these seven states are now effectively permitted to practise under the convention – including the establishment of databases of DNA and fingerprint data, and even the deployment of "armed marshals" empowered in emergency situations to take action "in the territory of other contracting states without their prior consent."[55] Such practises link the issues of migration control and counterterrorism, thereby, "transferring insecurities [and] producing a security continuum."[56] The result is the merging of internal and external security, while also weakening EU institutions and, in turn, eroding normative power. The aforementioned bilateral initiatives share a common theme: bypassing the EU, boldly proclaiming their distrust for the EU's ability to guarantee European security, and thereby forming a, "political rift in the construction of the EU area of freedom, security and justice."[57] Indeed, intensive transgovernmentalism and intergovernmentalism enable the unchecked proliferation of measures, "that would be very difficult to reach agreement on under the EU framework."[58]

The Prüm Convention builds on the provisions of the post-Cold War Schengen Information System (SIS), which has generated controversy of its own due to proposals to interlink the various SIS alerts. This would compromise civil liberties by creating direct links between data gathered for immigration cases and those gathered for criminal or terrorism cases. Suspects are screened against not only personal data, but also the information of individuals with whom they may be associated. Those whose data are linked to listed criminals or terrorist suspects, "are likely to be treated with more suspicion than others."[59] Pastore calls this a "clear manifestation of the . . . (in)security continuum," a term coined to criticize the integration of immigration issues with crime and terrorism within the third pillar of the Maastrich Treaty.[60] The securitization outcomes of the Prüm Convention can be further extended by, "conditioning economic aid to the permission to have police and immigration activities inside each of these countries."[61] This includes a growing number of "visa facilitation

---

[54] Thierry Balzacq et. al., "Security and the Two-Level Game," Working Document no. 234 (Centre for European Policy Studies, January, 2006), retrieved from http://www.libertysecurity.org/IMG/pdf/WD234_e-version.pdf.
[55] Mistilegas, 17.
[56] Ceccorulli, 493.
[57] Balzacq et al, 2.
[58] Ibid., 10.
[59] Ibid.,13.
[60] Ibid; Mitsilegas, "A Market to a Demos? The Development of the EU as an Area of freedom, Security and Justice," Outline for Seminar series on the 50th Anniversary of the Treaty of Rome Europa Institute (Edinburgh: University of Edinburgh, May 25, 2007), retrieved from http://www2.law.ed.ac.uk/europa/files/mitsilegasoutline.pdf.
[61] Bigo et al, 16.

and readmission"[62] agreements with Maghreb states agreeing to repatriate illegal immigrants in the EU.

The post-9/11 trend of deviation from EU norms has made bilateral relationships even more important and increasingly characterized by intensive transgovernmentalism. Italy and Libya have increased efforts to control illegal immigration while France and its North African state partners have cooperated on the deportation of illegal immigrants and terror suspects, likewise for Spain with Morocco and Algeria.[63] In the securitization of their migration regimes, these states have pledged merely rhetorical—but not tangible—allegiance to EU human rights norms. A case in point is the continued Italian, British and German practise of deporting terrorist suspects to countries understood to practice counterterrorism in a manner that contravenes EU norms.[64] Meanwhile, France ignored an order from the ECtHR in 2009 when authorities expelled a Tunisian man to Senegal.[65] In addition, Spain has failed to implement UN Human Rights Council Universal Periodic Review recommendations regarding the improvement of conditions for terrorism suspects. Britain was so heavily criticized—including by the ECtHR—for its introduction of, "stop and search without suspicion," powers that the UK Home Office ordered a moratorium on these counterterrorism practices. The use of deportation based on diplomatic assurances was blocked in May 2011 by the UK Special Immigration Appeals Commission (SIAC) regarding the proposed deportation to Pakistan of two suspects. Yet the UK initiated extradition proceedings for one of the suspects in a direct violation of the SIAC decision.[66]

Returning to an example of a multilateral instrument of securitization is the European Neighbourhood Policy (ENP), developed by the EU in 2003, which offers "friends" a "privileged" economic and political relationship with Europe in exchange for cooperation on the counterterrorism front.[67] Despite rhetoric invoking shared Euro-Mediterranean values and respect for fundamental rights, the ENP has been criticized for focusing its energies exclusively on the fight against terrorism, transnational crime, and illegal immigration at the expense of the promotion of such rights and values.[68]

---

[62] Aas, 5.
[63] Joffé, 165.
[64] United Nations General Assembly, 13th Session, Human Rights Council, *Joint Study on Global Practices in the Relation to the Context of Countering Terrorism*, A/HRC/13/42, (Geneva: February 19, 2010), retrieved from http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf.
[65] Human Rights Watch, "World Report 2011: European Union," retrieved from http://www.hrw.org/world-report-2011/european-union.
[66] Ibid.
[67] Kaunert and Léonard, 288.
[68] Giselle Bosse, ''Values in the EU's Neighbourhood: Political rhetoric or reflection of a coherent policy?',' *European Political Economy Review*, no. 7 (Summer, 2007): 38-62, 38.

Not so Normative After All

Instead of being a vehicle for political reforms and democracy building in the Maghreb, the ENP serves as merely a, "buffer from the terrorist threat emanating from the Gulf region," which leads states to, "[acquiesce to], rather than [challenge], authoritarian practices."[69] However, when compared to EU-US synergies, Léonard finds that border control cooperation between the EU and Southern ENP countries, such as the Maghreb region, "has not advanced to a note-worthy extent."[70] For instance, ENP Action Plans with Morocco and Tunisia detail cooperation on aviation security but do not even mention counterterrorism explicitly.[71] Moreover, the events of the Arab Spring slowed the pace of Euro-Mediterranean progress relative to EU-US collaboration to combat terrorism at domestic borders.

Initiatives like the ENP are multilateral in rather than transgovernmental in character, yet are still a source of concern due to issues of accountability within EU legislative bodies. These initiatives – which also include the Framework Decision on Combating Terrorism, the Framework Decision on the European Arrest Warrant, and the EU-US Passenger Name Record Agreements – were given assent by representatives of member state governments, with negligible input from members of the European Parliament. Murphy wisely points out that when governments have unchecked legislative control at the EU, "they may be able to adopt law through the EU that would not survive national legislatures"[72] with opposition parties working to ensure protections for fundamental rights. Recent innovations—especially the Stockholm Programme and Lisbon Treaty—have brought about reforms to the EU that will decentralize power and hold EU organs such as the Counter-Terrorism Coordinator to account. For example, the European Parliament has gained greater control over EU legislation, while the European Council is no longer steered entirely by the Prime Minister of the Member State occupying the Council's rotating presidency.[73] However, at times there remains friction between the EU and normative institutions such as the European Court of Justice. In the 2008 Kadi case, the Court found that the European Council violated its own human rights principles in passing resolution 881/2002, which sanctioned individuals associated with Osama bin Laden, Al-Qaeda and the Taliban.[74]

---

[69] Roland Dannreuther, ''Developing the alternative to enlargement: The European Neighbourhood Policy,'' *European Foreign Affairs Review*, vol. 11 (2006): 183-201, 198.
[70] Kaunert and Léonard, 298.
[71] Ibid., 299.
[72] Murphy, 2.
[73] Honor Mahony, "European Council seen as winner under Lisbon Treaty," *EU Observer*, (May 27, 2010), retrieved from http://euobserver.com/18/30142.
[74] Albert Posch, "The Kadi Case: Rethinking the Relationship between EU Law and International Law?," *Columbia Journal of European Law*, vol. 15 (2009), retrieved from http://www.cjel.net/online/15_2-posch/.

Public discourse, domestic politics, and the post-9/11 securitization of migration

The two concepts central to this paper—securitization and normative power—are heavily influenced by public opinion, engagement, evaluation, and endorsement. A phenomenon such as migration cannot be effectively securitized without the public's acceptance of that phenomenon as the source of an acute threat to security and survival[75]. Meanwhile, the normative power of the EU derives from its ability to diffuse norms to other actors.[76] Thus, it is important to consider the mechanisms by which the securitization of migration is conveyed to, and accepted and reinforced by, the domestic polity. Huysmans finds EU State parliamentarians to be surprisingly reluctant to draw connections between migration and terrorism "too intensely in public debate."[77] There are two ways to embed migration issues into debates on security and counterterrorism. The first invokes the 'politics of exception' by justifying exceptional policies based on perceived existential threats to a nation. The second method—often neglected by academics—invokes a, "political discourse of safety and unease," to justify invasive policing technologies without direct reference to an existential terrorist threat.[78] By examining "speech acts" within the context of post-9/11 Parliamentary debates in the United Kingdom, Huysmans reverts to the pre-Bigo form of securitization research. He discovers that the politics of unease is far more prevalent in discussions of migration and security than the politics of exception. For example, in considering the introduction of controversial identity cards, "no causal relation between illegal free movement and terrorist threat was articulated." Rather, the debate emphasized, "the development of a general context of societal insecurities and unease," so as to justify the use of such ID technology and override quibbles within civil society about inherent infringement on civil liberties.[79] This analysis demonstrates the reluctance of politicians to interlink post-9/11 parliamentary debates on counterterrorism and migration. This conclusion serves to question, "the idea that terrorism is central to the political justification of changes in migration policy," and demonstrates that those who seek to implement invasive surveillance technologies do not necessarily abet their cause by, "introducing a more radical understanding of threat, by means of terrorism."[80] Conversely, a look at the strong rhetoric regarding Islamic immigration in the 2012 French Presidential election campaign would seem to contradict Huysmans' conclusion. Indeed, his analysis ends in 2004 and therefore does not take in account the tenor of parliamentary and public debates in the aftermath of

[75] Neal, 335.
[76] Manners, "A Contradiction in Terms?", 224.
[77] Jef Huysmans and Alessandra Buonfino, "Politics of Exception and Unease: Immigration, Asylum and Terrorism in Parliamentary Debates in the UK," *Political Studies*, vol. 56, no. 4 (December, 2008): 766-88, 766.
[78] Huysmans and Buonfino, 767.
[79] Ibid, 781.
[80] Ibid., 784, 786.

the London Underground bombings of July, 2005. Yet the reluctance of politicians to discuss the migration in regards to counterterrorism suggests that the measures associated with securitization of migration have not yet achieved mass public support beyond a general enthusiasm for combatting terrorism and preventing further attacks. Further empirical research is necessary to explore this further. Meanwhile, it is important to once again consider Andrew Neal's position that securitization theory does not apply to the EU since the public is less attuned to the intricacies of EU decision-making processes than to their own domestic legislative bodies. Further research is required to explore how conscious the public is of EU action concerning counterterrorism and migration control. Yet even if the public is not explicitly aware of EU policies and institutions—like FRONTEX, to use Neal's example—their lives are affected by such activities in tangible ways, such as airport security and border control. Furthermore, unlike domestic political decisions, the public is generally unaware of who within the EU should be held accountable for the imposition of extraordinary security measures with which they disagree. Still, confusion and frustration among members of the public does not refute the theory of securitization.

When examined broadly, the accelerated securitization of migration policies has impacted civil liberties while signalling the diminution of the EU's normative power. For Buonfino, this has meant an entrenched and enhanced, "contradiction between the discourses of unity and plurality in democratic societies."[81] Moreover, she claims that the securitization of unity "in order to preserve it from plurality"—especially with regard to Islamic migration—threatens the democratic character of the EU. While this statement is hyperbolic, it gains credibility when one examines post-9/11 policies that categorize migrants or ethnic minorities as suspicious persons on the basis of group membership rather than specific evidence. Such policies have been further reinforced in the media where migration is portrayed. "first and foremost as a security threat to the Western nation-states."[82] In effect, distinct phenomena—illegal immigration, terrorism, cross-border crime, and so on—are considered interchangeably. This results in the application of broad brushstrokes towards the migration aspirations of any person who, "does not correspond to the a priori social image . . . [of] national identity (e.g. the children of first-generation immigrants, minority groups)."[83] Indeed, such policies give the vulnerable asylum-seeker and the aspiring suicide bomber similar treatment at the border, all while discriminating on the basis of nationality or ethnicity—and doing so with growing public awareness and endorsement. Here we see, "the converging visions of neighbourhood committees, municipal authorities and police

[81] Bounfino, "Between unity and plurality: the politicization and securitization of the discourse of immigration in Europe," *New Political Science*, vol. 26, no. 1 (2004): 23-49, 23.
[82] Aas, 14.
[83] Bigo, "Globalized (in)Security," 17.

combine," to stigmatize immigrants.[84] In Italy, for instance, educators are encouraged by police to monitor immigrant students for early signs of radicalization. While such vigilance is consistent with the "prevent" strand of the EU Counterterrorism Strategy, one may argue that blanket suspicion of immigrant children not only affects the ability of newcomers to integrate into the classroom and European society generally, but also violates the "protect" strand of the EU Counterterrorism Strategy.

In the aftermath of the Toulouse shootings in March 2012, Europe has experienced an increasingly polarized public discourse regarding the acceptance of immigrants from predominately Islamic populations. The revelation that the murders were carried out by a radical Islamist helped bolster electoral support for the National Front party, led by Marine Le Pen, whose campaign promises included reducing immigration by 95 percent. *The Economist* described the post-Toulouse situation as follows: "President Nicolas Sarkozy has been careful to keep the focus on counter-terrorism and security, not immigration. Not so Marine Le Pen [who claimed] 'Islamic fundamentalism in France has been underestimated.'"[85] However, President Nicolas Sarkozy proposed during his campaign to dissociate France from the Schengen agreement and nationalize its border controls if the EU refuses to curb immigration. This policy—aimed, "directly at France's anti-immigrant, anti-Muslim voters,"—came after a decision the previous spring by the European Commission to allow Schengen signatories to establish "temporary border checks" under "exceptional circumstances."[86][87] Italy also endorsed this decision. The Italian island of Lampedusa was inundated with 25 000 migrants from Tunisia and Libya in 2011 alone—characterized by then-Prime Minister Silvio Berlusconi as a "human tsunami."[88] Although this number is not outrageous—and indeed is nowhere near the number of immigrants from the Balkan states two decades ago—the construction of migration as a security threat in the post-9/11 environment has given momentum to anti-immigration rhetoric. Xenophobic sentiments are not limited to individual States, but also extend to the supranational level. A recent European Commission video advertisement had to be pulled from the airwaves following accusations of racism. The video shows a white female, "being threatened by foreign men with weapons," and ends with the statement, "The more we are, the stronger we are. Click here to learn more about EU enlargement."[89] There is a complex

---

[84] Ibid, 39.
[85] *The Economist*, "Marine Le Pen: Of home-grown terror and Islam," Elysée, (March 26, 2012), retrieved from http://www.economist.com/blogs/elysee/2012/03/marine-le-pen.
[86] Gwynne Dyer, "Nicolas Sarkozy's last stand," *Embassy*, (March 30, 2012), 6.
[87] Leo Cendrowicz, "Sorry, We're Closed: Amid Migrant Fears, Europe Could Bring Back Border Controls," *Time*, (May 4, 2011) retrieved from http://www.time.com/time/world/article/0%2c8599%2c2069634%2c00.html.
[88] BBC News, "Berlusconi: 'Human tsunami' arriving in Lampedusa," BBC, (April 10, 2011), retrieved from http://www.bbc.co.uk/news/world-europe-13027272.
[89] Nicholas Watt, "European commission criticised for 'racist' ad," *The Guardian*, (March 6, 2012) retrieved from http://www.guardian.co.uk/world/2012/mar/06/european-commission-criticised-racist-ad.

symbiotic relationship between domestic politics, public discourse, state interests, and the priorities and activities of states when working inside multilateral bodies. All of these forces have fuelled the securitization of migration while leaving Europe increasingly xenophobic, inadvertently encouraging the growth of radical organizations by isolating immigrants.

Conclusion

By examining the design and implementation of security arrangements by the EU and between EU member states, this paper has offered concrete evidence for the securitization of migration following the World Trade Center terrorist attacks of September 11, 2001. Securitization involves not only the social construction of threat, but also the negotiation of such threat in the public sphere. This paper has thus examined not only the post-9/11 policy shifts—both official EU policies and interstate norms—but also the application of the EU Counterterrorism Strategy in the realm of border security and migration control. When the securitization of migration is observed as a phenomenon that includes the formulation of policy and the design and operation of institutions and processes, it becomes clear that the EU has over the past decade downplayed its traditional role as a normative power that prioritizes the protection of human rights through EU structures and other multilateral instruments. By considering EU policies and initiatives alongside more exclusive transgovernmental and bilateral arrangements in the realm of counterterrorism and migration control, a tension was revealed between the interests of member states and the EU's foundational framework for exercising normative power. In the post-9/11 era, the former has trumped the latter, as the practices of certain EU member states in combatting terrorism through migration control have contradicted supranational EU norms. This tension running under the current of intensive transgovernmentalism raises questions about the continued viability of the EU and the suitability of its current structure, topics that should be further examined by other scholars.

The plethora of frameworks, agreements, and institutions discussed in this paper point to a major shift in the positioning of the EU. Under pressure from the White House to contribute to the Global War on Terror, the Union has neglected its historic, rigid attachment to norms protecting human rights, democracy, and the rule of law. As such, the EU has significantly—and potentially irreversibly—weakened its own normative power and its ability to exercise that power through the diffusion of norms to other political actors. Whereas EU policy continues to call for a comprehensive approach to migration—including addressing human rights concerns—the post-9/11 era has seen a greater reliance on controversial tactics like racial profiling at border crossings. Efforts to integrate migrants into society have suffered, while inflammatory anti-immigrant rhetoric has expanded in reach, further polarizing European

communities like Toulouse, France. Both in parliamentary debate and public discourse, there is a danger of prejudging immigrants and asylum seekers on account of their countries of origin—the very countries from which they wish to distance themselves. Securitization—the construction of a terrorist threat linked to migration—and its acceptance by the domestic polity has provided justification for extraordinary measures including increased detention of immigrants, the cancellation of social benefits for asylum seekers, and the removal of legal tools for applicants to challenge deportation orders, "resulting in increased risk of *refoulement*."[90] While the integration of border surveillance and migration control with counterterrorism initiatives allows for unprecedented efficiency and strategic cooperation, it is vital that these two objectives—the regulation of migration and the combatting of terrorism—be pursued using distinct approaches. For instance, though the EU Counterterrorism Strategy can be conceptualized to include migration control, the two aforementioned objectives must not be conflated. It is precisely this conflation that has enabled the accelerated securitization of migration to signal the diminution of the EU's normative power, while posing an unprecedented threat to the protection of rights and liberties. What is at stake is not merely the EU Counterterrorism Strategy, but the EU itself and its vision of collective peace and security.

Bibliography

Aas, Katja F."The securitization of migration: Whose justice and whose security?" Norwegian Research Council, draft paper. 2007.

Aradau, Claudia and Rens van Munster. "Governing Terrorism through Risk: taking precautions, (un)knowing the future." Paper presented at the annual meeting of the International Studies Association, San Diego, CA: March 22, 2006.

Archick, Kristin et al. *Muslims in Europe: Promoting Integration and Countering Extremism*. Congressional Research Service. Washington, DC: September 7, 2011.

Balzacq, Thierry. "The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies," *JCMS: Journal of Common Market Studies*, vol. 46, no. 1 (2008): 75-100.

Balzacq, Thierry et al. "Security and the Two-Level Game." Working Document no. 234. Centre for European Policy Studies, January, 2006.

[90] Human Rights Watch, "European Union: Managing Migration Means Potential EU Complicity in Neighboring States' Abuse of Migrants and Refugees."

BBC News. "Berlusconi: 'Human tsunami' arriving in Lampedusa." BBC, April 10, 2011. Retrieved from http://www.bbc.co.uk/news/world-europe-13027272.

Bigo, Didier. "International Political Sociology." In ed. Paul D. Williams, *Security Studies: An Introduction*. London: Routledge, 2008.
—"Globalized (in)Security: the Field and the Ban-opticon." In eds. Bigo and Anastassia Tsoukala, *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11*. Routledge, 2006.

Bosse, Giselle. "Values in the EU's Neighbourhood: Political rhetoric or reflection of a coherent policy?". *European Political Economy Review*, no. 7 (Summer, 2007): 38–62.

Boswell, Christina. "Migration Control in Europe after 9/11: Explaining the Absence of Securitization." *JCMS: Journal of Common Market Studies*, vol. 45, no. 3 (August, 2007): 589-610.

Bounfino, Alessandra. "Between unity and plurality: the politicization and securitization of the discourse of immigration in Europe." *New Political Science*, vol. 26, no. 1 (2004): 23-49.

Ceccorulli, Michaela. "Security and migration: the development of the Eastern dimension." *European Security*, vol. 19, no. 3 (June, 2010): 491-510.

Cendrowicz, Leo. "Sorry, We're Closed: Amid Migrant Fears, Europe Could Bring Back Border Controls." *Time*, May 4, 2011. Retrieved from http://www.time.com/time/world/article/0%2c8599%2c2069634%2c00.html.

CNN Wire Staff. "France deports 2 Islamic radicals, will expel 3 more." CNN, April 3, 2012. Retrieved from http://edition.cnn.com/2012/04/02/world/europe/france-muslim-deportations/?hpt=wo_bn9.

Commission of the European Communities. *A Strategy on the External Dimension of the Area of Freedom, Security and Justice*. COM(2005) 491. Brussels: December 12, 2005.

Council of the European Union. *The Stockholm Programme—An open and secure Europe serving and protecting citizens*. Stockholm: May 5, 2010.
—*The European Union Counter-Terrorism Strategy*. 14469/4/05 REV 4. Brussels, 2005.

— Office of the Presidency. "Seville European Council, 21 and 22 June 2002, Presidency Conclusions." October 24, 2002.
—*Barcelona Declaration*, November 27-8, 1995.

Cowell, Alan and Steven Erlanger. "French Police Seize 17 in Raids After Killings in Toulouse." *New York Times*, March 31, 2012. Retrieved from http://www.nytimes.com/2012/03/31/world/europe/france-police-seize-20-in-raids- following-toulouse-killings.html?ref=sunday-review.

Dannreuther, Ronald. "Developing the alternative to enlargement: The European Neighbourhood Policy." *European Foreign Affairs Review*, vol. 11 (2006): 183–201.

Delegation of the European Union to the United States. "Counterterrorism." 2011. Retrieved from http://www.eurunion.org/eu/Counterterrorism/Counterterrorism/Justice-Freedom-Security.html.

Dyer, Gwynne. "Nicolas Sarkozy's last stand." *Embassy*, March 30, 2012.

The Economist. "Marine Le Pen: Of home-grown terror and Islam," Elysée, March 26, 2012. Retrieved from http://www.economist.com/blogs/elysee/2012/03/marine-le-pen.

Erlanger, Steven. "Fighting Terrorism, French-Style." *New York Times*, April 1, 2012. Retrieved from http://www.nytimes.com/2012/04/01/sunday-review/the-french-way-of-fighting-homegrown-terrorism.html?_r=1&ref=world.

Guild, Elspeth and Didier Bigo. "Chapter 9—The Transformation of European Border Controls." In eds. Bernard Ryan and Valsamis Mistilegas, *Extraterritorial Immigration Control: Legal Challenges*. Leiden: Brill Academic, 2010.

Human Rights Watch. "World Report 2011: European Union." Retrieved from http://www.hrw.org/world-report- 2011/european-union.
—"European Union: Managing Migration Means Potential EU Complicity in Neighboring States' Abuse of Migrants and Refugees." October 17, 2006. Retrieved from http://www.unhcr.org/refworld/docid/4565dfbb4.html.

Huysmans, Jef and Alessandra Buonfino. "Politics of Exception and Unease: Immigration, Asylum and Terrorism in Parliamentary Debates in the UK." *Political Studies*, vol. 56, no. 4 (December, 2008): 766-788.

Jackson, Richard. "An Analysis of EU Counter-Terrorism Discourse Post-September 11." *Cambridge Review of International Affairs*, vol. 20, no. 2 (June, 2007): 233–47.

Joffé, George. "The European Union, Democracy and Counter-Terrorism in the Maghreb." *JCMS: Journal of Common Market Studies*, vol. 46, no. 1 (January, 2008): 147-171.

Karyotis, Georgis. "European migration policy in the aftermath of September 11: the security-migration nexus." *Innovation*, vol. 20, no. 1 (2007): 1-17.

Kaunert, Christian and Sarah Léonard. "EU Counterterrorism and the European Neighbourhood Policy: An Appraisal of the Southern Dimension." *Terrorism and Political Violence*, vol. 23, no. 2 (March, 2011): 286-309.

Léonard, Sarah. "EU border security and migration into the European Union: FRONTEX and securitization through practices." *European Security*, vol. 19, no. 2 (2010): 231-254.

—"The 'Securitization' of Asylum and Migration in the European Union: Beyond the Copenhagen School's Framework." Paper presented at the Standing Group on International Relations Sixth Pan-European International Relations Conference, September 12-15, 2007. Retrieved from http://turin.sgir.eu/uploads/Léonard-sgir_conference_paper_final_sLéonard.pdf.

Mahony, Honor. "European Council seen as winner under Lisbon Treaty." *EU Observer*, May 27, 2010. Retrieved from http://euobserver.com/18/30142.

Manners, Ian. "Normative Power Europe: A Contradiction in Terms?" *JCMS: Journal of Common Market Studies*, vol. 40, no. 2 (December, 2002): 235-58.

—"Normative Power Europe: the International Role of the EU." Presented at the Biennial Conference of the European Community Studies Association, Madison, WI: May 31, 2001.

Mitsilegas, Valsamis., "A market to a Demos? The Development of the EU as an Area of Freedom, Security and Justice." Outline for Seminar Series on the 50th Anniversary of the Treaty of Rome Europa Institute. Edinburgh: University of Edinburgh, May 25, 2007. Retrieved from http://www2.law.ed.ac.uk/europa/files/mitsilegasoutline.pdf.

—"Operational Co-Operation and Counter-Terrorism in the EU." In ed. Ferruccio Pastore, *Supranational Counter-Terrorism*, Working Paper 22/2005, Centro Studidi Political Internazionale. Rome: November, 2005: 10-19. Retrieved from http://www.cespi.it/WP/WP22%20Pastore-Mitsilegas.pdf

Murphy, Cian. "EU Counter-Terrorism & the Rule of Law in a Post-'War on Terror' World." In ed. Martin Schein, *European and US Counter-Terrorism Policies, The Rule of Law and Human Rights*. San Domenico, Fiesole, Italy: European University Institute, March, 2011. Retrieved from http://ssrn.com/abstract=1958335.

Neal, Andrew W. "Securitization and Risk at the EU Border: The Origins of FRONTEX." *JCMS: Journal of Common Market Studies*, vol. 47, no. 2 (January, 2009): 333-356.

Parliamentary Assembly of the Council of Europe. *Migration and Integration: A Challenge and an Opportunity for Europe*. Rec 1437. April 27, 2005.

Posch, Albert. "The Kadi Case: Rethinking the Relationship between EU Law and International Law?". *Columbia Journal of European Law*, vol. 15 (2009). Retrieved from http://www.cjel.net/online/15_2-posch/.

United Nations General Assembly. 13th Session. Human Rights Council. *Joint Study on Global Practices in the Relation to the Context of Countering Terrorism*. A/HRC/13/42. February 19, 2010.

Watt, Nicholas. "European commission criticised for 'racist' ad." *The Guardian*, March 6, 2012. Retrieved from http://www.guardian.co.uk/world/2012/mar/06/european-commission-criticised-racist-ad.

Carleton Review of International Affairs, vol. 2 (Fall, 2013)

The European Union's Gender Quota Proposal: Evidence of Shifting Forms of Governance

Travis Southin

Abstract: On November 14 2012, the European Union (EU) issued a proposal to implement a directive obligating publicly listed companies to meet a 40 percent quota for female representation on their boards of directors by 2020. This proposal is evidence of a break with historically dominant forms of governance employed in the policy areas of employment equality and corporate composition. Accordingly, this paper elucidates the proposed gender quota's impact on the dominance of three forms of governance employed in the policy areas of employment equality and corporate composition, namely: regulatory, coordination, and Gender Mainstreaming forms of governance. This analysis yields the conclusion that the success of Gender Mainstreaming as the driving force of the proposal also facilitated a shift from coordination towards regulatory forms of governance in the two policy areas. The true significance of these findings has yet to be determined as this proposal may mark either a permanent shift or an historical anomaly in EU governance in the policy areas of employment equality and corporate composition.

On November 14th 2012, the European Commission announced a proposal to implement a directive obligating publicly listed companies to meet a 40 percent quota for female representation on their boards of directors by 2020 (hereinafter "the proposal"). The proposal's intersection of employment equality and corporate composition policy areas presents a unique opportunity to explore the macro-level policy-making implications for the European Union (EU), as opposed to a specific evaluation of the merits of the proposal itself. To accomplish this macro-level policy-making analysis, this article relies on James Caporaso's notions of forms of governance. "Governance" is differentiated from 'government' because it "refers to collective problem-solving in the public realm. It directs attention to the problems to be solved and to the processes associated with solving them, rather than to the relevant agents or to the nature of the political institutions associated with these processes." [1] An analysis

Travis Southin obtained his Bachelor of Arts (Honours) in Law, with a concentration in Business Law and a minor in Political Science, from Carleton University in 2013. During his undergraduate program, he represented Carleton at national tournaments as a member of both the Carleton University Debating Society and the Carleton Law Society's Mooting Team. His areas of interest include law, international affairs and public policy.

[1] James Caporaso, "The European Union and Forms of State: Westphalian,Regulatory or Post-Modern," *JCMS: Journal of Common Market Studies,* vol. 34, no.1, (March, 1996): 29-52, 32.

section will follow brief summaries of the current proposal and of historical EU policy-making initiatives in the relevant policy areas of employment equality and corporate composition. This analysis will assess the proposal's impact on existing patterns of forms of governance employed by the EU in the policy areas of employment equality and corporate composition, namely: regulatory, coordination, and Gender Mainstreaming forms of governance. Regulatory governance involves the Commission issuing binding directives whereas the coordination form of governance involves developing soft-law best practices. Gender Mainstreaming is a form of governance in which policies are actively measured against considerations of differential impact based on gender. The proposed gender quota suggests a break with historically dominant forms of governance as the success of Gender Mainstreaming as the driving force of the proposal also facilitated a shift from coordination towards regulatory forms of governance in the policy areas of employment equality and corporate governance.

Gender Quota Proposal

On November 14th 2012, the European Commission announced an ambitious proposal to raise female representation on the boards of directors of publically listed European companies. The proposal opted for a more interventionist approach in the form of a mandatory quota. The details of the proposal were succinctly outlined in the following press release:

- The Directive sets a minimum objective of 40 percent by 2020 for members of the under-represented sex for non-executive members of the boards of publicly listed companies in Europe, or 2018 for listed public undertakings.
- The proposal also includes, as a complementary measure, a "flexi quota": an obligation for listed companies to set themselves individual, self-regulatory targets regarding the representation of both sexes among executive directors to be met by 2020 (or 2018 in case of public undertakings). Companies will have to report annually on the progress made.
- Qualification and merit will remain the key criteria for a job on the board. The directive establishes a minimum harmonization of corporate governance requirements, as appointment decisions will have to be based on objective qualifications criteria. Inbuilt safeguards will make sure that there is no unconditional, automatic promotion of the under-represented sex. In line with the European Court of Justice's case law on positive action, preference shall be given to the equally qualified under-represented sex, unless an objective assessment taking into account all criteria specific to the individual candidates tilts the balance in favour of the candidate of

the other sex. Member States that already have an effective system in place will be able to keep it provided it is equally efficient as the proposed system in attaining the objective of a presence of 40 percent of the under-represented sex among non-executive directors by 2020. And Member States remain free to introduce measures that go beyond the proposed system.

- Member States will have to lay down appropriate and dissuasive sanctions for companies in breach of the Directive.
- Subsidiarity and Proportionality of the proposal: The 40 percent objective applies to publicly listed companies, due to their economic importance and high visibility. The proposal does not apply to small and medium enterprises. The 40 percent objective is focused on non-executive director posts. In line with better regulation principles, the Directive is a temporary measure and is set to expire in 2028.[2]

The "background" section of the proposal outlines the following events which acted as catalysts for the proposal. They first point to the findings of the Commission's March 2012 progress report titled "Women in economic decision-making in the EU" which found that corporate boards in the EU are characterised by persistent gender imbalances, as evidenced by the fact that only 13.7 percent of corporate seats in the largest listed companies are currently held by women (15 percent among non-executive directors).[3] In response to the reports' bleak findings, the Commission organized a public consultation to gather stakeholders' views from March 5 to May 28, 2012. Of the total number of 485 replies, 161 were sent by individual citizens and 324 were sent by organizations. These included thirteen Member States, three regional governments, six cities or municipalities, seventy-nine companies (both large listed companies and Small and Medium Enterprises [SMEs]), fifty-six business associations at EU and national level, fifty-three Non-Governmental Organizations (NGOs) (most of them women's organizations), trade unions, professional associations, political parties, associations of investors and shareholders, actors involved in corporate governance and others.[4] While

---

[2] European Commission, *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures*, COM(2012) 614 final, (Brussels: December 14, 2012), retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0614:FIN:en:PDF.

[3] Ibid,"Women On Boards: Commission Proposes 40% Objective," (November 14, 2012), retrieved from http://europa.eu/rapid/press-release_IP-12-1205_en.htm.

[4] Ibid, *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures*, 5.

some, predominantly the business stakeholders, favoured continued self-regulation, other stakeholders, including trade unions, women's organisations, other NGOs and a number of regional and municipal authorities, advocated a more ambitious approach mirroring the binding objectives in the proposal.[5] The Commission also cites institutional support as another catalyst. For example, the European Parliament's 6 July 2011 Resolution on women and business leadership (2010/2115(INI)) called for companies and Member States to increase female representation of women in decision-making bodies and invited the Commission to propose legislative quotas to attain the critical threshold of 30 per cent female membership of management bodies by 2015 and 40 percent by 2020.[6] Additionally, the Commission justifies taking the binding directive route in light of the failure of EU Justice Commissioner Viviane Reding's March 2011 challenge to publicly-listed companies in Europe to voluntarily increase the number of women in their boardrooms by signing the "Women on the Board Pledge for Europe." The pledge called on companies to commit to raising female representation on their boards to 30 percent by 2015 and 40 percent by 2020. However, after a year, only twenty-four companies across Europe had signed the Pledge.[7] Finally, the Commission pointed to the fact that eleven Member States (Belgium, France, Italy, the Netherlands, Spain, Portugal, Denmark, Finland, Greece, Austria and Slovenia) have introduced legal instruments to promote gender equality on company boards, with eight of these countries' legislation covering public undertakings. Meanwhile, a further eleven EU countries have neither self-regulation measures nor legislation in place. The Commission stressed that, "this legally fragmented approach risks hampering the functioning of Europe's Single Market, as different company law rules and sanctions for not complying with gender balance laws can lead to complications for businesses and have a deterrent effect on companies' cross-border investments."[8]

Employment Equality

Gender equality in employment within the European Union is based on the equal treatment and equal opportunities principles addressed through anti-discrimination laws and regulations issued as directives Article 226 of European Commission Treaty gives the Commission the right to start an infringement procedure if it considers that a Member State has failed to fulfill a legal obligation. After the Commission sends a reasoned opinion on the matter after giving the infringing Member State the opportunity to submit its observations, it can bring the matter before the European Court of Justice if the Member State does not comply with the opinion within the

[5] Ibid., 7
[6] Ibid., 5
[7] Ibid, "Women On Boards."
[8] Ibid.

period laid down by the Commission.[9] The EU's first foray into employment equality policy-making (and gender equality policy-making in general) was the equal pay provision in article 119 of the Treaty of Rome (1957). This provision came as a largely unintended side effect of the negotiations to establish the European Economic Community. France, who demanded its inclusion, was concerned that being the only nation with equal pay policies would create a potential barrier to fair and equal competition among member states.[10] This guarantee of equal pay for equal work was used to support national equal pay campaigns and was the precursor to subsequent EU directives in the 1970s and 1980s which expanded women's rights policies in areas beyond employment, including: tax and social security measures, child care facilities, education, and training opportunities.[11] Recent policy developments involve proposals to support a better work-life balance. On average, women spend 25.5 hours per week in domestic and family work and 38 hours per week in paid employment, while men spend only 8 hours a week in domestic and family work and 45.5 in paid employment.[12] To improve the work-family balance for women, the EU has proposed that Member States increase the minimum maternity leave from fourteen to eighteen weeks without loss of earnings. The European Commission has also stressed the importance of directing structural funds to the development of quality care services for children.[13] While these are significant initiatives, the key words are 'proposed' and 'stressed'. As will be discussed in the section on Coordination policy-making, the EU's initiatives in employment have shifted towards soft law cooperation rather than regulatory directives.

Corporate Composition

This area of policy-making comprises regulation regarding the structure, responsibilities, and agents of the internal organs of European publically listed companies. The legal basis for EU initiatives to harmonize company law was provided

---

[9] Cecilia Lavena, and Norma M. Riccucci, "Exploring Gender Mainstreaming in the European Union," *International Journal of Public Administration*, vol. 35, no. 2 (January, 2012): 122-36, 128.
[10] Rachel A. Cichowski, "No Discrimination Whatsoever: Women's Transnational Activism and the Evolution of EU Sex Equality Policy," in ed. Nancy A. Naples and Manisha Delai, *Women's Activism and Globalization: Linking Local Struggles and Transnational Politics*, (London: Routledge, 2002): 222
[11] Silke Roth, *Gender Politics in the Expanding European Union: Mobilization, Inclusion, Exclusion* (New York: Berghahn Books, 2008), 3.
[12] European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, *Report on equality between women and men*, (Brussels: January, 2008), retrieved from, https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC4QFjAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D2033%26langId%3Den&ei=EDcZUuaKM-TW2QXIoIGgBg&usg=AFQjCNFtEv_mAK-BoN6Egp175YYntqEog&sig2=hjOdq-k5T6-n8Dfkx13fBg&bvm=bv.51156542,d.b2I, 33.
[13] Lavena & Riccucci, 127.

by Article 54(3)(g) of the Treaty of Rome (now Article 44) which allows the EU to regulate, 'to the necessary extent the safeguards which, for the protection of the interests of members and others, are required by Member States of companies or firms...with a view to making such safeguards equivalent throughout the Community."[14] Since then, various initiatives to harmonize company laws have been proposed with mixed success. The successes have taken the form of providing options to companies such as the European Community Statute's framework for the European company that allows a company to adopt a structure to operate according to a single set of corporate laws across the EU. This enabled companies to cut costs by no longer needing to maintain separate boards of directors and accounting practices across the countries in which they operate.[15] However, these successes, "cannot disguise the fact that many of the EU's more ambitious efforts at legal harmonization have met with failure."[16] This is particularly so for efforts to impose specific standards regarding corporate composition. The proposed Fifth Directive on company law sought to lay down a European standard concerning the structure, powers and obligations of the organs of the public company including the board of directors. First introduced in 1971, intense political conflict led to its amendment on several occasions and eventually to its withdrawal by the Commission in 2001.[17] The major disagreements reflected the multiplicity of national regulatory approaches and were unable to reach consensus in regards to the structure of the boards of directors and employee rights.[18]

Regulatory Form of Governance

The Development of the Regulatory Form of Governance

The regulatory mode of governance has been a hallmark of the European Union, prompting one leading scholar, Giandomenico Majone, to identify the EU as primarily a regulatory state. He argued that the EU has achieved the most successful integration thanks to the issuing of harmonization directives to remove barriers to the single market.[19] Flowing from the Commission's near complete jurisdiction on Competition policy, the Commission, "specializes in that which it is permitted to do: the elaboration of its regulatory powers and the policies and structures that go along with these powers."[20] This ability to widely regulate the harmonization of standards pertaining to the single market despite having a limited budget is facilitated by one of the key strengths of the regulatory mode of governance: ". . . [that] the costs of regulation are

---

[14] Dermot McCann, *The Political Economy of the European Union* (Cambridge: Polity Press, 2010), 82.
[15] Ibid., 83.
[16] Ibid.
[17] Ibid, 84.
[18] Christiaan Timmermans, "Harmonization in the Future of Company Law in Europe," in eds. Klaus J. Hopt and Eddy Wymeersch, *Capital Markets and Company Law,* (Oxford: Oxford University Press, 2003): 623-39, 626.
[19] Caporaso, 39.
[20] Ibid.

borne directly by the firms and individuals who have to comply with them . . . compared with these costs, the resources needed to produce the regulations are negligible."[21] For example, the 1986 Single European Act (SEA) commitment to realizing the single market by 1992 allowed for Regulatory policies of mutual recognition of product standards to overcome national purity laws.

Regulatory Form of Governance in the Policy Areas of Employment Equality and Corporate Composition

The Commission's regulatory mode of policy-making has always played a key role in the framing of European employment equality directives, particularly through the Commission's emphasis on facilitating the single market. France's insistence on the inclusion of equal pay provisions in the Treaty of Rome out of fear of unequal business conditions was an early indication of the politically charged economic backdrop that has accompanied EU employment equality policy-making initiatives to this day. The form of governance regarding employment equality particularly with regards to implementation, has taken a decidedly more soft law approach. Regarding implementation, it is generally accepted that since the Treaty of Rome, EU employment equality policies have, "moved from hard law (directives and regulations) to a clear level of coercion to soft law and policy learning."[22] As Majone notes, this trend is empirically evident in the fact that the EU shows little progress in some areas such as social policy, labour policy, energy policy and foreign security policy, while substantial advances in others such as the single market, competition, technical standards and the environment.[23] Employment equality policy's shift towards the coordination form's soft law approach to governance is will be discussed in the following section on the coordination form of governance.

For the policy area of corporate composition, the regulatory form of governance has not been particularly effective. The early successes of Commission directives setting standards for takeover bids, reporting of accounts, and mergers symbolize the regulatory form's ability to govern the external functioning of firms rather than the internal composition of corporate organs such as the board of directors. Indeed, the failure of the Fifth Directive on company law illustrates the limits of the regulatory form in regulating the powers and composition of different structures of the corporation. This limit has been noted by scholars: "the coverage of harmonization

[21] Giandomenico Majone, "Independence vs. Accountability? Non-majoritarian Institutions and Democratic Government in Europe," Social and Political Science Working Paper, (European University Institute, 1994): 1-29, 8.
[22] Angelika von Wahl, "The EU and Enlargement Beyond 'East' and 'West'," in ed. Roth, 22.
[23] Majone, 8.

directives in substantive areas of company law has been restricted and much of importance remains entirely a matter of national legal provision."[24]

What Does the Proposal Mean for the Regulatory Form of Governance?

The proposal suggests an effort by the Commission to re-establish regulatory governance over the policy areas of employment equality and corporate composition. The specific 40 percent quota for female directors, backed by binding sanctions for firms who fail to meet it, mirrors the regulatory form of governance which has dominated other policy areas related to the harmonization of the single market. Indeed, the same regulatory mode economic argument for harmonization in the Treaty of Rome is once again echoed by the Commission's current proposal. As one of the main supporting arguments in its November 4 press release, the proposal asserts that the failure to harmonize national corporate composition laws, "risks hampering the functioning of Europe's Single Market, as different company law rules and sanctions for not complying with gender balance laws can lead to complications for businesses and have a deterrent effect on companies' cross-border investments."[25] Compared to the Open Method of Coordination for employment and the soft laws issued for corporate composition, the proposal's use of a binding directive connotes a renewed initiative by the Commission to assert its Regulatory mode of governance.

Coordination Form of Governance

The Development of the Coordination Form of Governance

The 1960s 'OECD technique' of providing a forum for discussion and sharing of best practices between members was the precursor to the adoption of the coordination mode of governance by the EU. In the early years, this technique was used as a method to transition from nationally rooted policy-making to the EU level as exemplified by the consultations that led to the SEA's declaration of formal EU legislative powers.[26] Coordination in this early form was more of a 'justification' step in the Community's development towards a regulatory form of governance rather than a standalone form of governance. As Wallace notes however, "latterly we can see this coordination approach being developed not as a transitional mechanism, but as a policy mode in its own right."[27] The Lisbon Strategy adopted in March 2000 cemented the coordination mode of governance by devising the Open Method of Coordination (OMC). The OMC

[24] McCann, 84.
[25] European Commission, "Women On Boards."
[26] Helen Wallace, Mark A. Pollack and Alasdair R. Young, *Policy-Making in the European Union*, (Oxford: Oxford University Press, 2010), 99.
[27] Ibid.

used soft policy incentives to shape behaviour rather than hard, legally binding methods of compliance in policy areas where EU hard laws could not penetrate. Thus, the engaging of member governments, relevant stakeholders, and civil society in comparing, benchmarking, and continuous voluntary coordination of best practices became valid policy ends in themselves.[28]

Coordination Form of Governance in the Policy Areas of Employment Equality and Corporate Composition

The OMC was particularly targeted as a policy-making mode for employment policy. The EU's involvement in this area of policy was has been characterized by providing a forum for stakeholders to compare national, local, and sectoral experiences of labour market adaptation.[29] Contrary to the early EU coordination as a mechanism for developing hard law, the OMC process for employment policy was aimed at developing voluntary best practices from which national governments could shape their own employment policy. This soft law approach has been present in the policy area of employment equality as well. For example, to improve the work-family balance for women, the EU proposed that Member States increase the minimum maternity leave from fourteen to eighteen weeks without loss of earnings. The European Commission also stressed the importance of directing structural funds to the development of quality care services for children.[30] As previously noted, while these are significant initiatives, the key words are "proposed" and "stressed." Some feminist theorists argue the heavy reliance on "soft" policy instruments and voluntary cooperation entail the risk of gender equality becoming everybody's and nobody's responsibility at the same time.[31]

Corporate composition policy has followed the same soft law pattern. One example is the European Community Statute's framework for the European company which allows a company to adopt a European corporate structure to operate according to a single set of corporate laws across the EU. The structure allowed companies to voluntarily adopt the structure to reduce costs of operating across Europe. The specifics of this European company model were devised in consultation with national and corporate stakeholders. Beyond voluntary soft laws designed to give flexibility to corporate composition, there has been little success in the Commission's attempts to create hard laws (as evidenced by the failure of the Fifth Directive).

---

[28] Ibid, 100.
[29] Ibid.
[30] Lavena & Riccucci, 127.
[31] Sonia Mazey, "Gender mainstreaming strategies in the E.U.: Delivering on an agenda?", *Feminist Legal Studies*, vol. 10, no. 3 (October, 2002): 227–240, 228.

What Does the Proposal Mean for the Coordination Form of Governance?

While there are aspects of coordination in the proposal, the directive mainly symbolizes a recognition that soft law voluntary coordination may not be able to break through the glass ceiling. The findings of the Commission's report confirm this. Additionally, the failure of Redding's voluntary commitment for companies to reach the 40 percent quota points to the weakness of the "best practices" approach. Companies are simply not willing to give up control over internal firm composition and promotion decisions. Although the Commission's invitation for stakeholder proposals to shape regulation may signal attempt to strike balance between regulatory and coordination modes of governance, this better matches the early form of coordination as a mechanism for leading to hard law rather than an independent policy-making form of governance to produce soft laws.

Gender Mainstreaming Form of Governance

The Development of the Gender Mainstreaming Form of Governance

Gender Mainstreaming is a form of governance because it, "directs attention to the problems to be solved and to the processes associated with solving them."[32] Lavena and Riccucci define the Gender Mainstreaming mode of governance by noting that, "as a policy strategy, gender mainstreaming is concerned with assessing how policies impact the life and position of women and men, and with taking the necessary steps to redress any inequalities that may exist.[33] With gender inequalities as the problem with which policy-making is aimed to address, the authors further note that:

> [I]n this sense gender mainstreaming comprises a frame of reference for defining gender equality and a policy tool through which gender issues will be systematically incorporated throughout all government institutions and policies.[34]

Gender Mainstreaming can be understood as a governance form which attempts to inject gender considerations into other policy-making modes. It has been argued that a gender mainstreaming strategy must be concentrated on the regulatory and economic aspects of redressing gender inequality.[35] In 1995, the UN formally adopted Gender Mainstreaming at the Fourth World Conference of Women in Beijing and the same year saw the relatively progressive nations of Sweden, Austria, and Finland join the

[32] Caporaso, "The European Union and Forms of State: Westphalian,Regulatory or Post-Modern," 32.
[33] Lavena and Riccucci, 122.
[34] Ibid.
[35] Ibid.

EU.[36] The Treaty of Amsterdam in 1999 aimed at eliminating inequalities through the enforcement of Gender Mainstreaming policies adopted by the Community and the Member States.

Gender Mainstreaming Form of Governance in the Policy Areas of Employment Equality and Corporate Composition

Lavena & Riccucci warn that, "the implementation of an equal opportunity policy across individual Member States is crucial for the success of the mainstreaming strategy across the EU."[37] The European Council's European Pact for Gender Equality 2011-2020, adopted on March 7, 2011, acknowledged that, "gender equality policies are vital to economic growth, prosperity and competitiveness and urged action to promote the equal participation of women and men in decision-making at all levels and in all fields, in order to make full use of all the talents."[38] This reaffirmed that each member state has the responsibility of undertaking a gender mainstreaming strategy at the national level through National Action Programs for employment and other areas, in accordance with the legal framework agreed upon in the EU.[39] One example of Gender Mainstreaming entering the employment policy-making process can be seen in the Commission's claim that, "having more women in the workforce will help achieve the target set by the Europe 2020 Strategy—the EU's growth strategy—to raise the employment rate for women and men aged 20-64 to 75% [sic] by 2020."[40] Despite these EU targets, Lavena & Riccucci point to the slow statistical pace of employment equality improvements as evidence that the Gender Mainstreaming mode of governance has thus far been unsuccessful in the policy area of employment equality. According to Eurostat, women across Europe earned on average 16.2 percent less in 2011 than men, and in some countries the gender pay gap is widening.[41] This persistent pay gap fifty-two years after inclusion of pay equity provisions in the Treaty of Rome, in addition to the 13.7 percent female representation on boards of directors lends credibility to Lavena & Riccucci's claim.[42]

---

[36] Roth, 3.
[37] Lavena & Riccucci, 131.
[38] European Commission, *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures,* 3.
[39] Lavena & Riccucci, 131.
[40] European Commission, "Women On Boards."
[41] Eurostat, "Gender pay gap in unadjusted form," (June 6, 2013) retrieved from http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tsdsc340.
[42] Ibid.

The policy area of corporate composition has seen relatively little use of Gender Mainstreaming policy-making at the European level. This stands in contrast to several EU Member States who have to introduced different types of gender equality laws for company boards (Belgium, France, Italy, the Netherlands, Spain, Portugal, Denmark, Finland, Greece, Austria and Slovenia). Meanwhile, a further eleven EU countries have neither self-regulation measures nor legislation in place.[43] The closest the EU has come to applying Gender Mainstreaming to corporate composition before the current proposal was seen in the European Council's European Pact for Gender Equality 2011-2020. This pact by member states to try to, "urge action to promote the equal participation of women and men in decision-making at all levels and in all fields. . ." was a general level commitment, largely aimed at employment equality.[44] The top-level positions in firms that fall under the jurisdiction of corporate governance policy seem to be outside the purview of this pact.

What does the Proposal mean for Gender Mainstreaming as an EU Form of Governance?

Lavena and Riccucci's bleak diagnosis of Gender Mainstreaming's impact concluded with the charge that the EU has not realized the requirements of successful gender Mainstreaming provided by the United Nations Development Program in their Report on Women's Political Participation.[45] According to the UN, gender mainstreaming's success requires, "more than just an additional number of women in visible and responsible positions . . . it requires strengthened capacities of both male and female policymakers to implement policies that promote gender equality".[46] The UNDP Report goes beyond an analysis of unequal representation of women in decision-making positions to recommend the following strategies: promotion and strengthening of temporary special measures to promote gender equality; promotions of gender equality in governmental bodies; building on capacities and knowledge available within the women's movement; advocacy and awareness raising; provision of adequate financial resources and conducting research to support promotion/implementation of mechanisms and strategies.[47] The development of this latest proposal has embodied

---

[43] European Commission, *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.*

[44] Council of the European Union, *Council conclusions on the European Pact for gender equality for the period 2011-2020*, (Brussels: March 7, 2011), retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/119628.pdf, 4.

[45] Lavena & Riccucci, 134.

[46] United Nations Development Programme, Regional Bureau for Europe and the Commonwealth of Independent States, *Enhancing women's political participation: A Policy Note for Europe and the Commonwealth of Independent States*, (Bratislava: 2009), retrieved from http://issuu.com/undp_in_europe_cis/docs/enhancing_womens_political_participation, 53-54.

[47] Ibid.

many of these criteria. For example, the 2020 target is a "temporary special measure" and the focus on boards of directors amounts to promoting gender equality in a governmental body with regards to corporate governance. Therefore the proposal is evidence of the ascendancy of the Gender Mainstreaming form of governance.

Conclusion

Helen Wallace asserts that EU policy-making occurs:

> [I]n a context of multiple locations for addressing policy issues, ranging across levels from the local to the global and with formal and informal processes . . . European policy-makers have to . . . make choices ("forum shopping") as to which [form of governance] they prefer for addressing a particular issue.[48]

The current proposal illustrates this "forum shopping" with regard to the policy areas of employment equality and corporate governance with implications for the use of the three governance forms: regulatory, coordination, and Gender Mainstreaming. This is particularly clear in light of Wallace's claim that, "most individual policy areas do not fall neatly within a single policy mode and there is strong variation over time, both within policy sectors and in response to events and contexts."[49] For both policy areas of employment equality and corporate composition, the current proposal represents shifting trends in which form of governance is employed. For Employment equality, Gender Mainstreaming has been the catalyst for a reversal of the shift from regulatory to coordination, embodied by the binding directive chosen by the Commission in the proposal. Gender Mainstreaming has employed the regulatory mode's single-market facilitation logics towards the problem of the glass ceiling, effectively bridging the historical gap between the coordination mode's focus on employment equality and the regulatory mode's ability to issue hard law. For the policy area of corporate composition, the regulatory mode's inability to pierce the internal structure of corporate firms (evidenced through the failure of the Fifth Directive) has historically been justified on grounds of facilitating the freedom of firms operating in the free market. Instead, the EU's approach to corporate composition has largely followed the soft law flexibility approach of coordination governance, evidenced through the establishment of the European corporate structure. The current proposal has employed Gender Mainstreaming to forward the argument that imposing regulatory gender quota obligations on firms will actually improve competitiveness, thus warranting the

[48] Wallace, 91.

[49] Ibid.

extension of regulatory power into the realm of corporate composition. If the proposal passes the co-decision process with common agreement between the European Parliament and the Council of the European Union, these shifts in forms of governance will be solidified. This would mark the proposal as a break with history, rather than a temporary aberration, in regards to EU forms of governance employed in employment equality and corporate composition policy areas. The EU governance repercussions may even develop to extend beyond the policy areas of employment equality and corporate composition. This will be an important area for further study once the fate of the proposal is determined.

Bibliography

Burri, Susanne and Sacha Prechal, S. *EU Gender Equality Law*. Luxembourg: Office for Official Publications of the European Communities, 2009.

Caporaso, James. "The European Union and Forms of State: Westphalian,Regulatory or Post-Modern." *JCMS: Journal of Common Market Studies,* vol. 34, no. 1: 29-52 (March, 1996).

Cichowski, Rachel A. "No Discrimination Whatsoever: Women's Transnational Activism and the Evolution of EU Sex Equality Policy." In ed. Nancy A. Naples and Manisha Delai, *Women's Activism and Globalization: Linking Local Struggles and Transnational Politics*. London: Routledge, 2002.

Council of the European Union. *Council conclusions on the European Pact for gender equality for the period 2011-2020*. Brussels: March 7, 2011.

European Commission. *Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures*. COM(2012) 614 final. Brussels: December 14, 2012.

—"Women On Boards: Commission Proposes 40% Objective." November 14, 2012. Retrieved from http://europa.eu/rapid/press-release_IP-12-1205_en.htm.

European Commission. Directorate-General for Employment, Social Affairs and Equal Opportunities. *Report on equality between women and men*. Brussels: January, 2008.

Eurostat. "Gender pay gap in unadjusted form." (June 14, 2013). Retrieved from http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/.

Lavena, Cecilia & Norma M. Riccucci."Exploring Gender Mainstreaming in the European Union." *International Journal of Public Administration*, vol. 35, no. 2 (January, 2012): 122–136.

Majone, Giandomenico. (1994). "Independence vs. Accountability? Non-majoritarian Institutions and Democratic Government in Europe." Social and Political Science Working Paper. European University Institute, 1994.

Mazey, Sonia. "Gender mainstreaming strategies in the E.U.: Delivering on an agenda?" *Feminist Legal Studies*, vol. 10, no. 3 (October, 2002): 227–240.

McCann, Dermot. *The Political Economy of the European Union*. Cambridge: Polity Press, 2010.

Roth, Silke (ed.). *Gender Politics in the Expanding European Union: Mobilization, Inclusion, Exclusion*. New York: Berghahn Books, 2008.

Timmermans, Christiaan. "Harmonization in the Future of Company Law in Europe." In eds. Klaus J. Hopt and Eddy Wyrmeersch, *Capital Markets and Company Law*. Oxford: Oxford University Press, 2003.

United Nations Development Programme. Regional Bureau for Europe and the Commonwealth of Independent States. *Enhancing Women's Political Participation: A Policy Note for Europe and the Commonwealth of Independent States*. (Bratislava: 2009).

Von Wahl, Angelika. "The EU and Enlargement Beyond 'East' and 'West,'" In ed. Roth.

Wallace, Helen, Mark A. Pollack and Alasdair R. Young. *Policy-Making in the European Union*. Oxford: Oxford University Press, 2010.

War, Peace, and Progress: Militarism and Pacifism in Evolutionary Thought, 1898-1920

Guy Massie

Abstract: Much of the academic literature written about the First World War has tended to revolve around questions of diplomacy, foreign policy, and the International System as it existed in Europe in the decades before the war began. To balance this, I analyze the intellectual history of evolutionary thought as it applied to the question of war, peace, and the alleged "pugnacity" of man before and during the war years. Many people viewed the world of international conflict through the lens of socio-biological progress and a "struggle for existence" among humans, nations, and races. By identifying three broad intellectual trends, I argue that these evolutionary narratives of the war question were diverse. Some used the language of human evolution to argue that war was an inevitable engine of progress whereas others stressed different concepts in evolutionary science, such as cooperation, to make pacifist arguments. A third school of thought, the pessimists, argued that man was inherently warlike but that this instinct could be tamed. As the centennial anniversary of the July Crisis and the beginning of the First World War approaches, it is worth investigating the ideational "mood" of the era and the intellectual climate which allowed for such a devastating war to take place.

> The path of progress is strewn with the wreck of nations…yet these dead peoples are, in very truth, the stepping stones on which mankind has arisen to the higher intellectual and deeper emotional life of today.[1]
>
> *Karl Pearson, 1900*

> Confident that we were at last civilised, we awakened, as in the clutch of an earthquake, to discover that we were still barbarians.[2]
>
> *John Hayes Holmes, 1916*

Guy Massie is an MA candidate with the History Department at Carleton University. His upcoming thesis will analyze biological and evolutionary narratives of masculinity in the early twentieth-century United States. His research interests include science, popular culture, and the cultural and intellectual construction of male identities. He has written on topics that range from Tarzan, the American Museum of Natural History, and the American eugenics movement. Guy served as the President of the History Graduate Students' Association in 2012-13 academic year.

[1] Karl Pearson, *National Life from the Standpoint of Science: an Address Delivered at Newcastle, November 19, 1900* (London: A. and C. Black, 1901), 62.
[2] John Haynes Holmes, *New Wars for Old* (New York: Dodd, Mead and Company, 1918 [original edition 1916]), 8.

War, Peace, and Progress

As the centennial anniversary of the beginning of the First World War approaches, it is worth revisiting our understanding of the factors that led to the outbreak of war in August of 1914. The costliest and most devastating war up to that point in the history of the world is all too often explained as simply the failure of diplomacy in the tense final years of balance-of-power politics. While the most immediate causes can be said to be the political maneuverings during the July Crisis and the decisions by some policymakers in the years before 1914, this analysis only scratches the surface.

In order to more fully understand the causes of the war, we need to examine the way in which those policymakers (and, certainly, the nameless faces that make up what historians call "public opinion") understood the world in which they lived and how it operated. In the Victorian age of science and progress, many thinkers proposed that international relations could be understood in biological terms; that is, that war was not solely a question of economics or calculated national interests, but that man's propensity for war—or conversely, potential for peace—rested on certain biological laws that could be rationally known.

These arguments tended to rest on teleological assumptions about human progress. For some, war was understood as a natural mechanism by which humans came to evolve into more efficient, or simply "better," species. Spencerian views of evolution as a competitive struggle for existence fit perfectly with militarist policies and those who supported increased national arms expenditures after the turn of the nineteenth century. According to this view, nations and races that were better able to compete militarily would vanquish weaker ones and supplant them, leaving "the fittest" to remain.

On the other hand, many thinkers used the language of evolution and biology to put forward pacifist arguments. These tended to stress other intellectual schools of thought within evolutionary theory, especially Peter Kropotkin's notion of mutual aid. For them, war was neither a desirable mechanism of progress, nor was it an inevitable consequence of biological laws. The anti-war evolutionists argued that organisms generally cooperated for their protection and survival, especially among the same species, and that war was of no inherent value to humanity. A number of eugenicists also made the claim that the mass slaughter of strong, virile men on the battlefield decreased the fitness of the racial stock.

The experience of the First World War, however, had a strong impact on these views. A third current of thought, which I will call the pessimists, was largely centred on the ideas of the new psychology and pointed to an innate "pugnacity" in men. Against this natural inclination for aggression and fighting, they contrasted the codes

of civilization that compelled men to behave otherwise—what they understood as the "split personality" of humanity. The disconcerting consensus among many after the "war to end all wars" largely stemmed from their ideas: that there was something instinctive about man's violent propensity, *but* it was necessary to progress towards a society without war.

Despite the fundamental differences in the evolutionary arguments put forward by pacifist, militarist, and pessimist thinkers, they share a number of conceptual ideas. Their appeal to scientific rhetoric—specifically, evolutionary biology—was possible because it existed as a discourse, or a system of meaning by which authoritative statements could be made about the world and the people that occupied it. They also deployed the idea of progress towards a new human destiny—either one of increased efficiency and biological fitness by way of the struggle for existence or the cooperative advancement towards a world that had evolved beyond war. Similarly, others—even before the start of the war—echoed the decline of Victorian optimism in progress and civilization by concurring that man was still a savage beast at heart.

This paper will provide a survey of the main currents in evolutionary thought as they pertained to the question of war. By definition, the concept of evolution is a narrative of time, seeking to either link humanity to its primitive past or the prospect of future development, or both. For many policymakers in Europe, notably the pro-war camp in Germany and Austria-Hungary, the decisions made in the years preceding 1914 partially reflected a fear of relative decline vis-à-vis other powers and a desire to transcend the status quo. Germany's dream of building a global empire and Austria-Hungary's designs for the Balkans fit into a kind of competitive mindset that formed the basis of the new imperialism and, in the mind of some intellectuals, was part of an evolutionary contest in which some nations would rise and others would fall on the world stage.

In dissecting the intellectual climate of the prewar and wartime West, therefore, we may be able to read into some of the attitudes and decisions that led to the "catastrophe" of the First World War. But this is a difficult task, and one that would, by necessity, have to presuppose a certain level of influence by intellectuals on the events that took place. The question of how the historical actors of 1914 read into things such as Social Darwinism and the "Nietzschean mood," and whether or not these paralleled public opinion, have been investigated by Talbot Imlay.[3] The search for causation in vague intellectual and cultural trends of the era present a number of theoretical issues that are not easy to resolve.[4]

---

[3] Talbot Imlay, "The Origins of the First World War," *The Historical Journal* 49, no. 4 (December 2006), 1269.
[4] Ibid.

This question must be placed aside for the moment. The history that I will address is a conventional intellectual one, and I will discuss the influence of certain ideas only insofar as they pertain to how the question of war was framed within a biological context by an epistemic community. For a number of commentators, war and conflict between human societies could be explained through the fact of evolution, a teleological worldview that bridged the present with the past and the future. It bound humanity to its past and offered a lens through which to view its future, placing man in the natural world and subjecting him to certain biological laws. My concern is therefore to unmask what H. W. Koch calls "some of the 'unspoken assumptions' of the era," if not to offer clues as to how and why people behaved in certain ways then to at least chart the narratives and signs by which they constructed meaning in a period of growing scientific prestige.[5]

Setting the Stage: Biologism, Conflict, and Cooperation Prior to 1898

Before proceeding into a discussion about war as viewed through the lens of evolutionary theory at the turn of the twentieth century, it is necessary to retrace some intellectual steps. The views of war and peace biologists in this period borrowed from larger epistemic traditions—indeed, even during their own time, their arguments were mere footnotes in the broader discussions about what the evolutionary history and future of man meant for human societies in the present. While the new science of the Victorian period framed the debates about war and peace in evolutionary terms, the war question and its relation to human nature was rooted much earlier in the Western intellectual tradition.

The Hobbesian view of war was grounded in the concept of the "state of nature," something from which the militarist school would draw inspiration in the prewar period. Its assertion that warfare was inherent in human nature was challenged by Jean-Jacques Rousseau and a number of Enlightenment thinkers who argued otherwise; he, Immanuel Kant, and Jeremy Bentham all concurred that warfare was not ingrained in the human psyche, but rather was one more evil that plagued humanity and that could be cured through the application of reason.[6]

Thomas Malthus's demographic theories, especially pressures such as overpopulation and the availability of food and other resources, both provided a metanarrative for war—whatever the details, demographic factors would lead to conflict once they reached the breaking point—and inspired evolutionary theory more

---

[5] H. W. Koch, "Social Darwinism as a Factor in the 'New Imperialism,'" in H. W. Koch ed., *The Origins of the First World War: Great Power Rivalry and German War Aims* (London: Macmillan Education, 1984), 338-339.
[6] Doyne Dawson, "The Origins of War: Biological and Anthropological Theories," *History and Theory* 35, no. 1 (February 1996): 6.

generally.[7] These arguments would also later be deployed by the war biologists. The intellectual climate in which they operated, however, was heavily influenced by thinkers who conceived of an essential "human nature" in evolutionary terms, especially those who applied the language of evolution to the behavior of human societies.

I will be attempting to avoid the term "Social Darwinism" here as it is a bit of a misnomer. The publication of Charles Darwin's *On the Origin of Species* certainly proved to be a watershed moment in the way that scientists and the lay public understood the essential nature of humanity, its history, and its relation to the natural world, even if these ideas took time to spread and to become accepted. On the other hand, Darwin's ideas were heavily influenced by those of Jean-Baptise Lamarck, and were later reinterpreted or extrapolated upon by other thinkers. Rather than being a self-contained theory, evolutionary thought was significantly diverse. While the basic tenets of "evolution" were uncontested among its adherents (humans are a part of the natural world; they are therefore subject to the laws of nature, including biological change through a process referred to as *evolution*), there was considerable disagreement over the mechanisms that drove evolutionary change.

Lamarck's theories were centred on the premise that organisms could acquire traits and pass them off to their offspring, a method sometimes called "soft evolution." His ideas were most popular in France, although they also had an influential following in Britain.[8] Darwin concurred with this model to a certain extent, as did many evolutionary theorists up until the early twentieth century, but he believed that natural selection was the primary mechanism of evolution. At the turn of the century, however, Gregor Mendel's theories of genetics, which stressed "hard" evolution—that the interaction of genes was responsible for inherited traits—rose to prominence when they were popularized years after his death. Mendelism also differed in that it suggested evolutionary "leaps" as an important factor in change, in contrast to the gradualism of Darwin.

Herbert Spencer's theories also became influential, borrowing much from Darwin but framing the concept of "natural selection" within his own views of evolutionary theory, themselves sharing much in common with his economic views. These stressed the "survival of the fittest" as the driving engine of evolutionary change. This simple idea would have a profound influence on the biological debates related to war in the

[7] Ibid., 7.
[8] Linda Clark, "Social Darwinism in France," *The Journal of Modern History* 53, no. 1, On Demand Supplement (March 1981), DD1041-DD1042.

prewar period. "Conflict" theorists such as Spencer (who was a pacifist) and W. G. Sumner, however, were concerned with competition within, and not between, societies.[9]

By contrast, others in the late nineteenth century suggested different readings of evolutionary theory. T. H. Huxley, in his later years, differentiated between "ethical," or civilized man, and his developmental counterpart, the "non-ethical" primitive man. Civilization abolished the struggle for existence by way of *ethics*—a trait acquired through evolution—while the uncivilized man was locked into a Hobbesian natural state where he fought for his survival.[10] The conflict paradigm, for Huxley, was therefore not applicable to human societies. At the very least, it was not a biological law to which they were bound.

Similarly, others pointed to the "mutual aid" aspect of Darwin's theories. Peter Kropotkin, one of the pre-eminent anarchist thinkers in the last quarter of the nineteenth century, stressed cooperation as an evolutionary mechanism that differed starkly from the individualistic model of competition championed by Spencer. Just as wolves and other animals grouped together for survival, such as in hunting, foraging, and protection—observations which Kropotkin made as a natural biologist—he argued that it was essentially natural for humans to join together for mutual benefit.[11]

Thus, social theorists drew upon various strands in evolutionary theory to support their visions of human society. The powerful language of biologism, and of evolution in particular, could stand (ostensibly) as an irrefutable truth in a rapidly changing world; whatever the state of the industrial and urban social landscape, essential truths about human nature—grounded in biological fact—could not be changed. The power to make millennial pronouncements about the world and the way that it operated, especially in terms of international affairs, was appealing to trained scientists just as much as it was to political leaders and other lay commentators.

Biological Solutions for Peace? The Development of Pacifist Biology

Ivan Bloch, a Polish financier who studied and wrote about modern warfare around the turn of the century, predicted many of the dimensions of the war that would take place in 1914. For him, conventional military tactics and battles were obsolete. "War" would be little more than a kind of industrial conflict between two sides, depleting massive amounts of troops and resources until one of the belligerents could not continue fighting. Furthermore, he pointed to the possible social unrest that these wars would cause; this led him to argue that war itself was therefore of no further value to

---

[9] Paul Crook, *Darwinism, War, and History: The Debate over the Biology of War from the "Origin of Species" to the First World War* (Cambridge: Cambridge University Press, 1994), 29.
[10] Paul Crook, *Darwin's Coat-Tails: Essays on Social Darwinism* (New York: Peter Lang, 2007), 65.
[11] Ibid., 73.

humanity. In *The Wars of the Future*, written in 1901, he argued that "Science and civilisation have turned over a new leaf, but the man of arms keeps his eyes fixed on the old and faded page, neither learning nor forgetting."[12] Bloch, though not using explicitly biological language, suggested that a socio-technological evolution of humanity had taken place to the point that war was simply not worth the cost.

This argument, however, did not imply that humans could *biologically* evolve past conflict—merely that war, at this stage of development, was not beneficial for civilized societies. The writings of Norman Angel, as put forward in his influential book, *The Great Illusion* (1909), shared many of the economic points of Bloch's theories about the obsolescence of war but also addressed the growing influence of pro-war biologism by that time:

> War has no longer the justification that it makes for the survival of the fittest; it involves the survival of the less fit. The idea that the struggle between nations is a part of the evolutionary law of man's advance involves a profound misreading of the biological analogy.[13]

In this sense, Angell's anti-war arguments as they corresponded to evolution were more of a reaction against what would later be called "Bernhardism" than a central part of his theory. Angell therefore deployed what might be called "restrictionist" arguments (implying that the biological basis of pro-war evolutionary theory was invalid or had been misinterpreted) and put forward his own pacifist arguments using the same evolutionary language. These emphasized cooperation rather than conflict. These two major trends in pacifist biology were rooted in Huxley's separation of civilization and savagery (the "ethical man" and the "primitive man") and Kropotkin's notion of "mutual aid," respectively.[14]

Angell offers the example of Britain as a group of different people ("Scots, English, Welsh, Irish") working together, as well as with others, through commerce for mutual benefit rather than fighting in a competitive struggle against each other.[15] He also attacked the assumption of pro-war biology that nations were analogous to organisms:

> That mankind as a whole represents the organism and the planet the environment, to which he is more and more adapting himself, is the only conclusion that consorts with

[12] Ivan Bloch, "The Wars of the Future," *The Contemporary Review* 80 (September 1901): 322.
[13] Norman Angell, *The Great Illusion* (London: William Heinemann, 1912), X.
[14] Crook, *Darwin's Coat-Tails*, 66 and 72.
[15] Angell, 187.

> the facts. If struggle between men is the true reading, those facts are absolutely inexplicable, for he is drifting away from conflict, from the use of physical force, and towards co-operation.[16]

Indeed, Darwin theorized that species survived by adapting to their environments. In the process of natural selection, those organisms unfit for their environment would become extinct. The mechanisms for that extinction, however, relied heavily on a number of Malthusian factors such as food, resources, and population pressures, as well as competition with other organisms (predators, for example). Angell's argument therefore reconceptualized humanity as one species in the contest of survival, rather than being composed of various races or nation-states who competed amongst themselves. Similarly, the "enemy" with which the species had to fight against in the struggle for existence became the environment.

Still, Angell deployed the language of biologism as one of many to advance his pacifist arguments, which were otherwise economic, political, or part of a more general attack against imperialism and the status quo of international affairs. As the tense years of the prewar era came to a close and the war dragged on in Europe, however, the war question attracted the attention of a number of evolutionary biologists and eugenicists who became increasingly vocal in the debate.

Among was these David Starr Jordan, an American eugenicist who was a strong advocate for pacifism. Although eugenics has since been interpreted by historians as essentially harmful, racist, and a pseudo-scientific kind of apologetics for middle class Anglo-Saxon privilege—and rightly so—Jordan stressed that war was degenerative to the racial stock. He looked favorably upon the fitness of soldiers who, he claimed, had a number of desirable physical and mental traits, such as "strength, agility, courage, dash, patriotism."[17] Paradoxically, it was the men who possessed these traits that were sent into the killing fields; the net result was the overall quality of the race would decline, given that fit men who would otherwise produce healthy offspring were killed. Other eugenicists argued that war was a beneficial process by which the most savage and violent elements of society were killed off, thereby benefitting society in that respect. They and Jordan both cited mainstream eugenics arguments, such as allusions to the breeding of dogs and horses, and appealed to the growing influence of the science of heredity.

Jordan's argument was fairly distinct from the principles of mutual aid and restrictionism that formed the basis of other kinds of peace biologism, but nevertheless

---

[16] Ibid., 187-188.
[17] David Starr Jordan, "War and Manhood," The Eugenics Review 2, vol. 2 (July 1910): 96.

relied, at its centre, on the evolutionary teleology espoused by the new biology. Eugenics and the fear of degeneracy were prominent trends in Progressive Era America as well as in late Victorian and Edwardian Britain. Theodore's Roosevelt's infamous warning of Anglo-Saxon "race suicide" was not unlike Jordan's own arguments in suggesting that there would be negative consequences at a future point if the race lost the masculine, martial virtues. By contrast, however, Roosevelt's solution was to train boys and men to be soldierly and to prepare them for war. For him, the prospect of fit men dying in combat was not nearly as abhorrent as the decline of a race's military power more generally. In one chapter of *The Strenuous Life*, he stressed that

> The Greeks were famous athletes, and as long as their athletic training had a normal place in their lives, it was a good thing. But it was a very bad thing when they kept up their athletic games while letting the stern qualities of soldiership and statesmanship sink into disuse.[18]

Roosevelt was a pro-war hawk before and during the First World War, believing that a race's ability to fight—tied into his larger metanarrative of virile masculinity—was what allowed them to survive and resist falling or disappearing in the Spencerian evolutionary struggle. He and Jordan can therefore be said to represent the malleability of evolutionary arguments; given that humanity and the races of the world were constantly evolving (either biologically, socio-culturally, or both), the direction of that change and the future state of a given species depended on factors in the present. Evolutionary theory, especially where eugenics was concerned, could be employed as a discourse of power that warned against the future consequences of war or pacifism, depending on who had the final say.

It is also worth pointing to the case of Peter Chalmers Mitchell, an English zoologist. Originally a war biologist who saw the races and nations of the world in a Spencerian struggle that took the form of the new imperialism, he changed his views in the years before the war.[19] He argued against international conflict as something that was either desirable or inevitable, and embraced the restrictionist and mutual aid arguments. Given that science had not completely solved the question of the biology of man and his relation to the natural order, he maintained that a certain skepticism was necessary towards biological models of human society.[20] Interestingly, he did not appear to hold any obvious political leanings other than his opposition to the First World War and the pacifism that his evolutionary views entailed. Even if numerous biological pacifists leaned towards the left and their pro-war counterparts had a tendency towards the pro-war and hawkish right, it is difficult to point to concrete

---

[18] Theodore Roosevelt, *The Strenuous Life: Essays and Addresses* (New York: The Century co., 1900), paragraph 3.
[19] Crook, *Darwin's Coat-Tails*, 113.
[20] Ibid., 121-122.

political dimensions in the divide. This is problematized by the fact that there was diversity in the *extent* to which these thinkers employed strictly biological arguments. As historian Alfred Kelly states, "it is useful to distinguish between those who occasionally appropriated a Darwinian phrase or two and those who undertook a sustained and detailed application of Darwinism to human society."[21]

Given the outbreak of war in 1914, the dynamics of the pacifist and militarist debate would change substantially, at least in Britain, the United States, and France. The prominence of war biology among the powers that would eventually find themselves fighting against the Central Powers would wane in light of their association with Germany. It is difficult to place, however, the extent to which ordinary Germans, decision-makers, and even intellectuals took to heart militarist theories of human evolution. While conflict-centred Spencerian views—what has often been called "Social Darwinism"—were popular in Germany, its perception by Anglo-American and French intellectuals was mitigated by the polarizing atmosphere of the war. For them, "Bernhardism" was an essentially Prussian idea, a product of the militarist mindset that brought the Huns across the Rhine every few generations to march off to war.

Conflict and War as Metanarrative of Progress: The Rise of Militarist Biology

Even before Spencerian evolutionary theory gained a foothold in the German universities, early ideas about conflict in the natural world paralleling those in human society could be found. One poem from 1854 reads "For the big eat the little and the biggest eats the big, and so in nature the social question is easily solved."[22] The important point in interpreting the development of biologically-derived notions of war and international affairs in this case, as Kelly suggests, is in deciding where to draw the line between superficial allusions to quasi-evolutionary language and narratives of conflict that are *essentially* evolutionary. I will therefore focus on the writings of General Friedrich von Bernhardi and some of his counterparts in Britain and France. In wartime debates about the war question in evolutionary thought, Bernhardi would feature prominently as a symbol to which the pacifist biologists would rally against.

Although he developed his views earlier and caused friction among other members of the German General Staff—if anything, because its unapologetic support for war could, and did, end up villainzing German foreign policy—Bernhardi received a great deal of attention in 1912 when he published *Germany and the Next War*. It had a wide readership, was a bestseller, and was translated into numerous languages.[23] While

---

[21] Alfred Kelly, *The Descent of Darwin: The Popularization of Darwinism in Germany, 1860-1914* (Chapel Hill: The University of North Carolina Press, 1981), 102.
[22] Ibid.
[23] Crook, *Darwinism*, 82-32.

dedicating only a paltry few pages to biological arguments for war (the majority being about his political and military theories), he established a definite and precise theory for conflict between nations and races as a mechanism of evolutionary progress. Placing the conflict theory as a universal metanarrative, he argued that "The struggle for existence is, in the life of Nature, the basis of all healthy development. All existing things show themselves to be the result of contesting forces."[24]

While he called this paradigm an "unconscious tragedy," Bernhardi explained that this was a biological law that could not be altered. Even if it could, he argued, "an unhealthy development will follow, which excludes every advancement of the race, and therefore all real civilization." Conflict was therefore both desirable (even if some of its consequences were unfortunate) and inevitable; although his arguments pertained to Germany's case in particular, his theories dictated that nations should prepare for war to the best of their ability. Unpreparedness was, in this sense, weakness, while those nations who could compete best in the struggle would become stronger and "advance".[25]

Bernhardi's language therefore implied a progression that orthodox Darwinism had tried to avoid, but was embraced—at least subtly or implicitly—by other schools of evolutionary thought. Darwin did not necessarily distinguish between higher or lower organisms (humans, for example, were not more highly evolved than monkeys, but simply evolved in different ways), but Bernhardi implied that those races that performed better in the struggle would become more efficient. The exact fate of those who lost in the struggle was unclear, although he used ambiguous words such as "conquest" and "succumbing."[26] Presumably, they would be supplanted by the more efficient.

Another important influence on his theories was Fredrich Ratzel's concept of *Lebensraum*. Bernhardi stressed that, as other organisms in nature, humans competed for space to expand.[27] This was the natural result of the struggle:

> Strong, healthy, and flourishing nations increase in numbers. From a given moment they require a continual expansion of their frontiers, they require new territory for the accommodation of their surplus population… new

[24] Friedrich von Bernhardi, *Germany and the Next War* (London: Edward Arnold, 1914), Allen H. Powles trans., 18.
[25] Ibid.
[26] Ibid.
[27] Mike Hawkins, *Social Darwinism in European and American Thought, 1860-1945* (Cambridge: University of Cambridge Press, 1997), 209.

> territory must, as a rule, be obtained at the cost of its possessors—that is to say, by conquest, which thus becomes a law of necessity.[28]

To put it simply, war was the natural result of population growth and the test that would determine who would win and lose in the contest over territory. While Bernhardi's explicitly biological arguments were not the norm among hawkish intellectuals in Germany, he became a wartime symbol in French and Anglo-American thought of savage *Kultur*.[29]

On the other hand, these kinds of ideas were not confined to German intellectual schools. Even before the publication of *Germany and the Next War*, British imperialist Harold F. Wyatt borrowed heavily on the Spencerian conflict notion in his periodical piece entitled "God's Test by War" in 1911. His arguments bore a stark resemblance to Bernhardi's, including competition for resources, conflict as the mechanism of increasing efficiency in evolutionary progress, and that nations formed groups analogous to organisms in competition with each other.[30] Interestingly, both Wyatt and Bernhardi had room for appeals to a divine teleology, combining it with their evolutionary portrayal of human progress. Still, they were both attacked under the label of "Bernhardism" by Christian intellectuals in Britain during the war.

Wyatt, a staunch supporter of the new imperialism, also shared with Bernhardi a lack of training as a biologist or scientist. By contrast, many of the thinkers who formed the anti-war circles in evolutionary thought were either zoologists, eugenicists, or evolutionary biologists. Georges Valois, a French political activist, was a rather interesting case; although his political views had shifted considerably from the far left to the far right and various points in between, his biological conception of war remained relatively stable. He wrote *L'Homme Qui Vient* in 1906, forecasting the concern with efficiency that Bernhardi and Wyatt would later promote. At their centre, his arguments were concerned with economic efficiency in particular, but he spoke of "the decline, the death of every living being which abdicates, which renounces, effort.[31]" Similarly, he viewed nations as being essentially organisms; war was the process by which they evolved into more efficient types, and he argued that the displacement of workers in vanquished nations by victorious ones was one model by which humanity as a whole could be improved. Simply put, those nations who had an energetic economy and labour force would prevail over those who were inefficient.[32]

---

[28] Bernhardi, 21.
[29] Kelly, 102.
[30] Hawkins, 209-210.
[31] Quoted in Hawkins, 212.
[32] Ibid.

The outbreak of war in 1914 and its quick transformation into a stalemate would change the way that the debate was framed in the intellectual landscape. The theories of Bloch and Angell were, to a certain extent, validated in the sense that the war was seen as terribly costly and an utter catastrophe by virtually all observers. Hawkish biology was seen as being part of the militant vein in the German psyche that had to be subjugated if similar wars were to be avoided in the future. And, perhaps most importantly, the war provoked a fundamental rethinking among some intellectuals about man and the question of his inherent pugnacity.

Intellectuals at War: the "Germanization" of Evolutionary Thought

"He is, in fact, really a kind of Red Indian in a Prussian uniform, but without the Red Indian habit of silence," claimed A. Clutton-Brock of Bernhardi in 1915. In *Bernhardism in England*, part of a series of publications written by Christian authors entitled "Papers for Wartime," Clutton-Brock claimed that

> If he were unique he would be merely a curiosity; but unfortunately he is not, and that is why the word Bernhardism has been coined, to express not merely what he says but what is said and thought by all those in every country who believe in his doctrine of war.[33]

These words were published in the context of anti-German wartime sentiment. The paper, while being motivated by a series of "convictions," including "That the war is none the less an outcome and a revelation of the un-Christian principles which have dominated the life of Western Christendom," was an attack not only upon Bernhardi but the very *idea* that war was a desirable mechanism of progress.[34]

In 1918, Jordan labeled "Social Darwinism" as a set of ideas that had been produced in German intellectual schools, attacking it as an ideology that championed the mighty destroying the feeble and twisted evolutionary theory for its own designs.[35] Even more damningly, Vernon Kellogg, an American evolutionary biologist, condemned what he saw as the "Germanization" of Darwin and other thinkers, citing his own experiences having "lived in and traveled about all over German occupied

[33] A. Clutton-Brock, *Bernhardism in England* (London: Oxford University Press, 1915), 3.
[34] Ibid., 2.
[35] Robert C. Bannister, *Social Darwinism: Science and Myth in Anglo-American Social Thought* (Philadephia: Temple University Press, 1979), 240.

Belgium and France, seeing and hearing many incredible things."[36] In an article published in March of 1918, he reported that

> In books about war and its relation to the evolution of man, especially in books written by Germans, I had often read the somber declarations that war takes the place in human life that the rigid and ruthless Darwinian struggle for existence holds among the lower animals, and that the Spencerian survival of the fittest, as applied to human groups, was to be determined chiefly, if not solely, by the outcome of wars to extinction.[37]

Kellogg claimed that he had spoken with German officers in occupied France who spoke of war in these terms—something he called "tiger biology".[38] On the other hand, he took the opportunity to reassure his readers that the Germans had gotten it all wrong, and that mutual aid and a number of others factors were of more importance than the conflict principle as evolutionary mechanisms.[39]

Certainly, the galvanization of intellectual opinion against war biology during the war years was largely a matter of anti-German (or at least anti-militarist) wartime fervor. Certainly, thinkers such as Wyatt and Valois must have felt a significant degree of pressure to recant their views or keep quiet, as "Bernhardism" was attacked as something essentially German. In the French case, mainstream Lamarckian intellectuals attacked their colleagues who had Spencerian leanings, depicted Germans as bloodthirsty militants who had twisted evolutionary theory, but muted their criticisms of "Social Darwinism" among the British.[40]

Paul Crook theorizes, however, that pacifist biology held more sway even before the beginning of the war as "its value system" was more in line with "entrenched military culture" than those who put forward militant readings of human evolution.[41] Thinkers like Wyatt, at least in Anglo-American thought, were relatively sparse.[42] Spencerian-inspired evolutionary theory tended to be popular in Germany, however; with the decision to adopt a *Machtpolitik* style of foreign relations after the dismissal of Bismarck as Chancellor, Allied intellectuals could point to Bernhardi and others as

---

[36] Vernon Kellogg, "War and Human Evolution: Germanized," *The North American Review* 207, no. 748 (March 1918): 365.
[37] Ibid., 364-365.
[38] Ibid., 365.
[39] Ibid., 369.
[40] Clark, DD1041-DD1042.
[41] Crook, *Darwinism*, 3.
[42] Ibid, *Darwin's Coat-Tails*, 165.

being representative of Prussian militarist *Kultur*, regardless of how widespread his theories were. Certainly, this was the case as far as the war biology question was concerned.

Man the Savage Beast: Psychology and the Pessimist School

The "pacifist" and "militarist" schools of biological thought did not represent a binary division in the debate. A number of psychological theorists found a sort of middle ground between the two, arguing that pugnacity might be an inherently human instinct, *but* that war was not desirable between civilized societies. This, in the words of American psychologist William James, was caused by the "double personality" of civilized man.[43] Drawing upon a trend in Western thought and literature (*Beauty and the Beast*, *The Strange Case of Dr. Jekyll and Mr. Hyde*) that portrayed man as a savage beast under the thin veneer of civilization, he suggested that

> Our ancestors have bred pugnacity into our bone and marrow, and thousands of years of peace won't breed it out of us. The popular imagination fairly fattens on the thought of wars. Let public opinion once reach a certain fighting pitch, and no ruler can withstand it. In the Boer war both governments began with bluff; but they couldn't stay there — the military tension was too much for them.[44]

The "double personality" of man was prominent in the writing of other psychologists, including Sigmund Freud and J. R. Angell (no relation to Norman Angell). Its ominous acceptance of "hard" evolution (human instincts could not be easily "bred out") was an implicit rejection of Lamarckian theories about the malleability of physical and mental traits as an evolutionary mechanism

William McDougall, a British psychologist, concurred that pugnacity was a strong instinct, but theorized that war might be in the process of being replaced by other kinds of competition, such as the capitalist market.[45] The question, then, was how best to mitigate the instinctive aggressiveness of man; James put forward a solution in a paper entitled "The Moral Equivalent of War," suggesting that a conscripted labour force of men could be put to work in lieu of a military life. His language bears some of the signs of the cult of masculinity that Roosevelt and others embraced, although framed in a pacifist context:

---

[43] William James, "The Moral Equivalent of War," *McClure's Magazine*, August 1910, 464.
[44] Ibid.
[45] Crook, *Darwin's Coat-Tails*, 136.

> Such a conscription, with the state of public opinion that would have required it, and the moral fruits it would bear, would preserve in the midst of a pacific civilization the manly virtues which the military party is so afraid of seeing disappear in peace.[46]

The experience of the First World War lent credence to the basic elements of the pugnacity theory. While the militarist and pacifist schools of thought survived in some form or another, the pessimist arguments reflected a wider cultural and intellectual shift away from the optimism of the Victorian period. On the other hand, arguments that derived from biological determinism more generally slowly fell out of favor, attacked by cultural anthropologists such as Franz Boas during the interwar period. The popularity of eugenics in the United States and Germany proved to be a notable exception—the last sigh of the beast before being discredited after the Second World War.

Before and during the First World War, however, a number of thinkers sought to explain war and peace in evolutionary terms. Appealing to the powerful language of biological science and new developments in evolutionary theory during the second half of the nineteenth century, they used a variety of trends in the thought of Spencer, Lamarck, Darwin, and others to make the case for war preparation, peace activism, or utilitarian solutions to the darker side of human nature.

While some of the people who made these arguments had a career background in some aspect of biology, many simply used biological language to reinforce their other pronouncements about international conflict. As these evolutionary theories of war and peace both influenced, and were influenced by, corresponding understandings of how the international system operated and should have operated, it is difficult to pinpoint any one theory or intellectual authority as having shaped the prewar mood.

In an ironic way, the destruction of the First World War made a strong case for the need for international peace. The trends in evolutionary theory, such as "conflict," "mutual aid," and "pugnacity" were all interpreted within the realm of human possibility, confining or liberating the potential for future visions of civilized society. Nearly a century after the debate about the biology of war reached a crescendo during the First World War, international conflict still plagues mankind, peace still lies just beyond reach, and cynicism towards "human nature" is as strong as ever. Even if the discursive rhetoric surrounding these issues has changed over time, the debate has yet to be resolved in theory or in practice.

---

[46] James 468.

Bibliography

Angell, Norman. *The Great Illusion*. London: William Heinneman, 1912.

Bannister, Robert C. *Social Darwinism: Science and Myth in Anglo-American Social Thought*. Philadelphia: Temple University Press, 1979.

Bernhardi, Friedrich von. *Germany and the Next War*. Trans. Allen H. Powles . London: Edward Arnold, 1914.

Bloch, Ivan. "The Wars of the Future." *The Contemporary Review* 80 (September 1901): 305-332.

Clark, Linda. "Social Darwinism in France." *The Journal of Modern History* 53, no 1, On Demand Supplement (March 1981): D1025-D1044.

Clutton-Brock, A. *Bernhardism in England*. London: Oxford University Press, 1915.

Crook, Paul. *Darwin's Coat-Tails: Essays on Social Darwinism*. New York: Peter Lang, 2007.

—*Darwinism, War, and History: The Debate over the Biology of War from the "Origins of Species" to the First World War*. Cambridge: Cambridge University Press, 1994.

Dawson, Doyne. "The Origins of War: Biological and Anthropological Theories." *History and Theory* 35, no. 1 (February 1996): 1-28.

Hawkins, Mike. *Social Darwinism in European and American Thought*, 1860-1945. Cambridge: University of Cambridge Press, 1997.

Holmes, John Hayes. *New Wars for Old*. New York: Dodd, Mead and Company, 1918.

Imlay, Talbot. "The Origins of the First World War." *The Historical Journal* 49, no. 4 (December 2006): 1253-1271.

James, William. "The Moral Equivalent of War." *McClure's Magazine, August 1910*, 463-468.

Jordan, David Starr. "War and Manhood." *The Eugenics Review* 2, vol. 2 (July 1910): 95-109.

Kellogg, Vernon. "War and Human Evolution: Germanized." *The North American Review* 207, no. 748 (March 1918): 364-369.

Kelly, Alfred. *The Descent of Darwin: The Popularization of Darwinism in Germany, 1860-1914*. Chapel Hill: The University of North Carolina Press, 1981.

Koch, H. W. "Social Darwinism as a Factor in the 'New Imperialism.'" In ed. H. W. Koch, *The Origins of the First World War: Great Power Rivalry and German War Aims*. London: Macmillian Education, 1984.

Pearson, Karl. *National Life from the Standpoint of Science: an Address Delivered at Newcastle, November 19, 1900*. London: A. and C. Black, 1901.

Roosevelt, Theodore. *The Strenuous Life: Essays and Addresses*. New York: The Century co., 1900.